

ORDINANCE #65799
Board Bill No. 219

An ordinance amending paragraph two of Section 805.060 of Ordinance 56726, adopted on March 29, 1974, pertaining to litter; requiring the operator of a drive-in restaurant to provide at least one authorized receptacle, accessible to its patrons, at each entrance or exit to the premises on which such drive-in restaurant is located; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Paragraph Two of Section 805.060 of Ordinance 56726 is hereby amended to read as follows:

SECTION TWO. All persons owning or occupying any private property, public building or premises shall keep such premises, as the case may be, including the sidewalk, parkway, gutter, street, and alley (to the centerline thereof) adjoining or abutting to the place so occupied free and clear of litter. To this end:

1. All persons occupying, leasing, owning, or in control of any premises shall keep such premises clear of litter. No person shall sweep or deposit litter onto any public place.

2. The operator of a drive-in restaurant shall, at all times and at least, once in each twelve-hour period during the restaurant's operation, dispose of all litter on the premises, in authorized receptacles. The operator of a drive-in restaurant to provide at least one authorized receptacle, accessible to its patrons, at each entrance or exit to the premises on which such drive-in restaurant is located

3. A person occupying a place of business, or an authority in control of a public building shall, at all times and at least, once in each twenty-four-hour period during which it is open for business or to the public, collect and dispose of all litter on the premises in authorized receptacles.

For purposes of this subsection, the managing operator of any shopping center shall be deemed to be the occupier of such shopping center, including but not limited to parking areas, parking lots and landscaped areas which are not leased or rented to any particular tenant, not including any sidewalks, parkways or gutters adjoining or abutting to any premises rented to a particular tenant.

4. The occupier of any residential premises shall at all times and at least once in each calendar week, collect and dispose of all litter on such residential premises, in authorized receptacles, including the sidewalk, parkway, gutter, street and alley (to centerlines thereof) adjoining or abutting to such private premises.

5. The occupier of any shopping center shall keep the area surrounding such premises of such shopping center, including the sidewalk, parkway, gutter, street, and alley abutting or adjoining to the place free and clear of all shopping carts provided by the stores in the said shopping center.

SECTION THREE. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 14, 2003

ORDINANCE #65800
Board Bill No. 290

An ordinance prohibiting the violation of a Neighborhood Order of Protection within the City of St. Louis; containing a definition, a penalty clause and an emergency clause.

WHEREAS, the illegal distribution, possession, sale and manufacture of controlled substances continues to plague our neighborhoods and creates a daily public safety concern for the citizens of the City of St. Louis; and

WHEREAS, in the interest of public safety State and City Courts may, by court order, place a condition on an individual who is under court supervision as a result of illegal drug activities whereby such person is prohibited from being in or traveling through a specified area related to the alleged illegal drug activity; and

WHEREAS, the adoption of an City Ordinance prohibiting a person from violating such an order of the Court will assist the Police Department and the Courts in their efforts to curtail drug related crimes and will further provide additional protection to the residents of our neighborhoods;

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The violation of a Neighborhood Protection Order is prohibited within the City of St. Louis.

SECTION TWO. A Neighborhood Protection Order is any court order that prohibits a person from being in any specified area as a condition of release from custody, a condition of probation, parole, or other supervision or any court order, in a criminal or civil case involving the illegal distribution, possession, sale or manufacture of controlled substances as defined in Section 195.010 RSMo..

SECTION THREE. Whoever violates a Neighborhood Protection Order shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than Ninety (90) Days. In lieu of a fine or imprisonment, the Court may order the defendant to complete a term of community service not to exceed one hundred twenty (120) hours.

SECTION FOUR Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 14, 2003

**ORDINANCE #65801
Board Bill No. 333**

An ordinance pertaining to disposition permits for dead bodies issued by the Health Commissioner; repealing Sections 11.62.010, 11.62.090 and 11.62.150 of the Revised Code, and all ordinances authorizing such sections of the Revised Code; and containing an emergency clause.

WHEREAS, Sections 11.62.010, 11.62.090 and 11.62.150 of the Revised Code for the City of St. Louis require the issuance of disposition permits by the health commissioner prior to the burial or cremation of a decedent; and

WHEREAS, the information contained in the application for a disposition permit is the same information required for a State of Missouri Death Certificate; and

WHEREAS, the disposition permits no longer serve a vital governmental function and are burdensome and unnecessary;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Sections 11.62.010, 11.62.090 and 11.62.150 of the Revised Code, and all ordinances authorizing such sections of the Revised Code, are hereby repealed.

SECTION TWO. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 14, 2003

**ORDINANCE #65802
Board Bill No. 346
Committee Substitute**

An ordinance restricting the manner of sale of certain products containing the ingredient ephedrine or pseudo ephedrine with the City of St. Louis; containing a penalty clause and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Definitions.

For purposes of this ordinance the following definitions shall apply:

A. "Ephedrine" shall mean all forms of ephedrine, pseudo ephedrine, ephedrine hydrochloride, pseudo ephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals.

B. "Ephedrine product" shall mean any product that contains ephedrine, its salts, isomers or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant quantities of other active ingredients.

C. "Person" shall mean any individual, corporation, partnership, trust, Limited Liability Company, firm, association or other entity selling an ephedrine product to customers.

D. "Sell" shall mean to knowingly furnish, give away, exchange transfer, deliver, surrender or supply, whether for monetary gain or not.

E. "Package" shall mean any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

F. "Counter" shall mean any obstructive, physical barrier that separates ephedrine products from access by a customer or the general public, and which makes such products available to a customer or the general public only through or by the act of an employee of the seller.

SECTION TWO. Beginning One Hundred and Twenty (120) days from the effective date of this ordinance, it shall be a violation of this ordinance for any person to display or offer to sell any ephedrine product unless the ephedrine product is placed behind a counter or **contained in a theft proof dispenser which is designed to limit access to multiple ephedrine products**. The provisions of this section shall not apply to the sale of animal feed containing ephedrine.

SECTION THREE. Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance or loss in writing to the St. Louis Metropolitan Police Department within three calendar days of such a discovery. Any person who sells ephedrine products shall report to the St. Louis Metropolitan Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received by such person within three calendar days of discovery.

SECTION FOUR. Any person found to be in violation of the provisions of this ordinance shall be subject to a fine of not more than Five Hundred (\$500) Dollars and a term of imprisonment not to exceed Ninety (90) days or both a fine and imprisonment. Each day a violation of this ordinance exists shall be considered a separate violation. Every act or omission constituting a violation of this ordinance by any agent or employee of any person shall be deemed and held to be the act of such person, and such person shall be punishable in the same manner as if such act or omission had been done or omitted by such person, provided such act or omission was within the scope of employment or the scope of authority of such agent or employee.

SECTION FIVE. Emergency clause.

This being an ordinance for the preservation of public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Approved: February 14, 2003

**ORDINANCE #65803
Board Bill No. 349**

AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT PLAN SUBMITTED BY THE PIERCE ARROW REDEVELOPMENT CORPORATION; AMENDING ORDINANCE NO. 61529 BY AMENDING SAID DEVELOPMENT PLAN TO ALLOW THE CONTINUATION OF TAX ABATEMENT FOR AN ADDITIONAL TEN (10) YEARS; AUTHORIZING THE MAYOR AND THE COMPTROLLER TO ENTER INTO AN AGREEMENT ENTITLED "AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF ST. LOUIS AND PIERCE ARROW REDEVELOPMENT CORPORATION"; AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the Board of Aldermen did by Ordinance No. 61350, approved on April 28, 1989, designate a certain portion of the City of St. Louis to be a blighted area within the meaning and as defined in the Urban Redevelopment Corporation Law, Section 353.020 R.S.Mo. 1969; and

WHEREAS, pursuant to Ordinance 61529 the City of St. Louis ("City") and the Pierce Arrow Redevelopment Corporation ("Developer") did enter into an Agreement ("Agreement") dated July 31, 1989; and

WHEREAS, Ordinance 61529 authorizes a twenty year real estate tax abatement; and

WHEREAS, Section Nine of the Agreement authorized only a fifteen year real estate tax abatement;

WHEREAS, the terms of the tax abatement as authorized by Ordinance 61529 can be amended by approval of the Board of Aldermen; and

WHEREAS, by the terms of Paragraph 16 of the Agreement the terms and conditions of the Agreement can be amended so long as there is mutual agreement between the City and Pierce Arrow Redevelopment Corporation; and

WHEREAS, Trinity Irrevocable Trust, as successor to Pierce Arrow Redevelopment Corporation, is the current owner of the property; and

WHEREAS, it was determined that the following amendment to the Development Plan is in the public interest and serves

a public purpose;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

Section One. It is hereby determined, found and declared that the amendment to the Development Plan, as approved by Ordinance 61529 is in the public interest, and as such is approved in accordance with the provisions of this Ordinance.

Section Two. Section X of the Redevelopment Plan approved by Ordinance 61529 is amended to read as follows:

X. Tax Abatement

The developer is requesting that all real property within the development area be taxed in a manner provided for in Section 353.110, Revised Statutes of the State of Missouri, 1978, for a period of 25 years after the adoption of this plan and its accompanying ordinance and agreement.

Section Three. Paragraph two of subsection (a) of Section Nine of the Agreement is amended to read as follows:

" Beginning January 1 of the eleventh year following the date on which the Developer acquired the property in the development area, said improvements will be taxed at one-half of the assessed valuation until December 31 of the twenty-fifth year following the date on which the Developer acquired the property. Beginning January 1 of the twenty-sixth year after the Developer acquired the property in the Development area, the improvements will be taxed at their full valuation.

Section Four. The Mayor and the Comptroller of the City of St. Louis shall be and are hereby authorized and directed to enter into and perform on behalf of the City an amendment to the Agreement, incorporating the changes in the Development Plan as approved herein.

Section Five. The Amendment to the Agreement shall be substantially in the word and figures as follows:

AMENDMENT TO AGREEMENT BETWEEN THE CITY OF ST. LOUIS
AND
PIERCE ARROW REDEVELOPMENT CORPORATION

An Agreement ("this Agreement") entered into this ____ day of _____, 2002, between the City of St. Louis (the "City"), and Trinity Irrevocable Trust as successor to Pierce Arrow Redevelopment Corporation to amend the Agreement dated July 31, 1989, between the City of St. Louis and the Pierce Arrow Redevelopment Corporation (the "Developer") authorizing the Pierce Arrow Redevelopment Corporation and its successors to rehabilitate the Pierce Arrow Building.

WHEREAS,

NOW, THEREFORE, the City and the Developer for the consideration and mutual covenants hereinafter contained and described in the Agreement dated _____, between the City of St. Louis and Pierce Arrow Redevelopment Corporation do hereby agree as follows:

Paragraph two of subsection (a) of Section Nine of the Agreement is amended to read as follows:

"Beginning January 1 of the eleventh year following the date on which the Developer acquired the property in the development area, said improvements will be taxed at one-half of the assessed valuation until December 31 of the twenty-fifth year following the date on which the Developer acquired the property. Beginning January 1 of the twenty-sixth year after the Developer acquired the property in the Development area, the improvements will be taxed at their full valuation.

Section Six. The passage of this Ordinance being deemed for the immediate preservation of the public health and safety, an emergency is hereby declared to exist and shall take effect upon its approval by the Mayor.

Approved: February 14, 2003

ORDINANCE #65804
Board Bill No. 385

An ordinance recommended by the Planning and Urban Design Commission on December 4, 2002, to change the zoning of four parcels of property as indicated on the District Map, to the "F" Neighborhood Commercial District, so as to include the described parcels of land in City Block 5233; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS :

SECTION ONE: The zoning designation of certain real property located in City Block 5233 is hereby changed to the "F" Neighborhood Commercial District, real property being more particularly described as follows:

Parcel No. 1

All those parts of Lots 10 through 18, both inclusive, in block 2 of Kingshighway Terrace and in Block 5233-S of the City of St. Louis, Missouri lying south of the southern line of U.S. Highway 40 (Interstate 64).

Parcel No. 2

Parts of Lots 19 through 25, both inclusive, in Block 2 of Kingshighway Terrace and in Block 5233-S of the City of St. Louis, Missouri, and described as follows:

Beginning at a point on the eastern line of said Lot 25, said point being 84.50 feet south along said eastern line from the southern line of West Papin Street; thence west and parallel to the southern line of West Papin Street a distance of 150 feet to a point on the eastern line of Lot 20; thence northwest to a point of the western line of Lot 19, said point being 44.83 feet south along said western line from the southern line of West Papin Street; thence south along said western line a distance of 134.96 feet to the southwest corner of said Lot 19; thence east, along the southern line of Lots 19, 20, 21, 22, 23 and 24, a distance of 165.98 feet to a point on the north line of an alley; thence northeast along said alley line a distance of 6.83 feet to a point on the western line of an alley; thence north along said western line a distance of 63 feet, more or less, to a point on the northern line of an alley, being also the southern line of Lot 25; thence east along said northern line a distance of 39.42 feet to the southeast corner of said Lot 25; thence north along the eastern line of Lot 25 a distance of 40.50 feet to the point of beginning. Together with one-half of an alley vacated by Ordinance 56678 of said City and adjoining Lots 24 and 25 on the east and south.

Parcel No. 3

The southern 40 feet 6 inches of Lots 26, 27 and 28 in Block 2 of Kingshighway Terrace and in Block 5233-S of the City of St. Louis, Missouri, having a front of 40 feet and 6 inches on the western line of Taylor Avenue, by a depth Westwardly between parallel lines of 100 feet 6 inches along the southern line, being also the north line of a 15 foot alley, and of 100 feet 4-1/8 inches on the north line, together with one-half of an alley vacated by Ordinance 56678 of said City and adjoining said property on the south.

Parcel No. 4

Lot 29 and the northern 10 feet of Lot 30 in Block 2 of Kingshighway Terrace and in Block 5233-S of the City of St. Louis, Missouri, together with one-half of an alley vacated by Ordinance 56678 of said City and adjoining said property on the north and west.

SECTION TWO: This ordinance being necessary for the preservation of the health, safety and welfare, shall take effect and be in full force immediately upon approval by the Mayor of the City of St. Louis.

Approved: February 14, 2003

**ORDINANCE #65805
Board Bill No. 391**

An Ordinance, recommended and approved by the Airport Commission and the Board of Estimate and Apportionment authorizing a supplemental appropriation and set apart in the total amount of Four Million Three Hundred Thousand Dollars (\$4,300,000) from the Airport Contingency Fund established under Ordinance 59286 approved October 26, 1984, to the "Annual Budget" established under authority of Ordinance No. 65500 approved June 21, 2002 for the fiscal year beginning July 1, 2002 and ending June 30, 2003, for current expenses of the government as detailed in **EXHIBIT "1"** which is attached hereto and incorporated herein; and containing an emergency clause.

WHEREAS, the "Annual Budget" was established under authority of Ordinance No. 65500 approved on June 21, 2002;

WHEREAS, the Charter of The City of St. Louis (the "City"), Article XVI, Section 6, authorizes supplemental appropriations when any accruing, unappropriated City revenue is available and when the Board of Estimate and Apportionment recommends same;

WHEREAS, it is now necessary to authorize a supplemental appropriation to the Annual Budget established under authority of Ordinance No. 65500 approved June 21, 2002 in the total amount of Four Million Three Hundred Thousand Dollars (\$4,300,000) for current expenses of the government as detailed in **EXHIBIT "1"** which is attached hereto and incorporated herein;

WHEREAS, there is a balance in excess of Four Million Three Hundred Thousand Dollars (\$4,300,000) available for appropriation from the Airport Contingency Fund established under Ordinance No. 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510; and

WHEREAS, this Ordinance is recommended by the Airport Commission and the Board of Estimate and Apportionment.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There is hereby authorized a supplemental appropriation and set apart in the total amount of Four Million Three Hundred Thousand Dollars (\$4,300,000) from the Airport Contingency Fund established under Ordinance 59286 approved October 26, 1984, Exhibit A, Article V, Sections 501 and 510, to the "Annual Budget" established under authority of Ordinance No.

65500 approved June 21, 2002 for the fiscal year beginning July 1, 2002 and ending June 30, 2003, for current expenses of the government as detailed in **EXHIBIT "1"** which is attached hereto and incorporated herein.

SECTION TWO. In addition to the charter powers granted to the Comptroller to preserve the credit of the City of St. Louis (the "City"), and for that purpose, or in case of any extraordinary emergency of any kind, with the approval of the Board of Estimate and Apportionment, and with or without any ordinance or other authority or appropriations therefore, to draw warrants on the treasurer or effect temporary loans to pay debts and judgments and other liabilities of the City, or to meet any such emergency, charging such warrants to any excess balances in appropriations made by this budget ordinance and then specifically reporting such action to the Board of Aldermen at its first meeting thereafter, the Comptroller is hereby directed to cause to be made transfers:

- a. within departments, divisions of funds, if such transfers are under \$250,000 per occurrence and if they are approved by a majority vote of the Board of Estimate and Apportionment, or
- b. between or among departments, divisions or funds (except Fund 1214-Capital Improvement Projects), if such funds are under \$250,000 per occurrence and if they are approved by a vote of the Board of Estimate and Apportionment.

SECTION THREE. This Ordinance being deemed necessary for the immediate preservation of the public peace, health or safety, it is hereby declared to be an emergency measure pursuant to Article IV, Section 20, of the City Charter and shall become effective immediately upon passage and approval by the City's Mayor.

Approved: February 14, 2003

BOARD BILL No. 391

EXHIBIT "1"

**FY 2003 SUPPLEMENTAL APPROPRIATION
AIRPORT ACCOUNT (FUND 1511)**

SOURCES OF FUNDS:

Unappropriated Airport Contingency Fund	\$2,300,000
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USES OF FUNDS:

Airport Contract Snow Removal - Airfield

420-538 Facilities and Grounds Services	\$1,000,000
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Airport Security

420-5657 Services Health & Security	\$3,300,000
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TOTAL ESTIMATE USES OF FUNDS	\$4,300,000
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**ORDINANCE #65806
Board Bill No. 401**

An Ordinance authorizing and directing the Mayor and the Director of Parks, Recreation & Forestry, on behalf of the City of St. Louis, to enter into and execute a Grant Agreement with the United States Department of the Interior, National Park Service for a grant to fund an Urban Park and Recreation Recovery Program for Chambers Park Rehabilitation, appropriating said funds in the amount of \$531,300 and authorizing the Director of Parks, Recreation, & Forestry on behalf of the City, upon approval of the Board of Estimate and Apportionment, to expend the funds by entering into contracts or otherwise for grant purpose and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Mayor and the Director of Parks, Recreation, & Forestry are hereby authorized and directed, on behalf of the City of St. Louis, to enter into and execute a Grant Agreement with the United States Department of Interior, National Parks Service for a grant to fund an Urban Park and Recreation Recovery Program for Chambers Park Rehabilitation. Said Grant Agreement shall substantially in words and figures as the attached Agreement, which is made part of this Ordinance and is on file in the Register's Office.

SECTION TWO. The Director of Parks, Recreation, & Forestry is hereby authorized and directed, upon approval of the Board of Estimate and Apportionment, to expend the funds in the amount of \$531,300, which are hereby appropriated for said purpose, by entering into contracts or otherwise received pursuant to the Grant Agreement in a manner that is consistent with the provisions of said Agreement.

SECTION THREE. Emergency Clause. This being an Ordinance for the immediate preservation of public peace, health, and safety, it is hereby declared to be an immediate measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

**ORDINANCE #65807
Board Bill No. 402**

An ordinance authorizing the Mayor and the Comptroller to execute a quit-claim deed to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency") to amend the legal description of all of the right, title, and interest in certain property conveyed by the City of St. Louis as authorized by Ordinance 62241; and containing an emergency clause.

WHEREAS, pursuant to the authorization of Ordinance 62241, the Mayor and the Comptroller, acting on behalf of the City of St. Louis, executed and delivered a quit-claim deed in the form of an Agreement titled Easements for Metro Link Light Rail Transit System (the "Quit-Claim Deed") on behalf of the City of St. Louis, conveying portions of easements or other rights owned and held by the City of St. Louis, by virtue of licenses, easements, ordinances or other manner, to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"); and

WHEREAS, by the Quit-Claim Deed, the City granted the Agency 48 easements on public right-of-ways for the construction, reconstruction, operation, maintenance and repair of the Metro Link Light Rail Urban Mass Transit System; and

WHEREAS, a certain property description contained in the Quit-Claim Deed was erroneous and should be corrected; and

WHEREAS, it is necessary that this Board of Aldermen take appropriate official action respecting the authorization of the execution, attestation, acknowledgment, delivery and recordation of a quit-claim deed to correct a certain legal description;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Board of Aldermen finds that the correction of the legal description of certain of the property conveyed to the Agency is necessary and in the public interest and is in the interest of the public health, safety, morals, and general welfare of the people of the City.

SECTION TWO. The Mayor and Comptroller are hereby authorized and directed to execute, attest, acknowledge, deliver and record a quit-claim deed to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District which shall read in words and figures in substantially the following form, with such modifications and revisions therein including the insertion of legal descriptions and other attachments as are called for in such documents, and such affidavits, and certificates, all as are consistent with the provisions of this Ordinance and the officers executing same, such officers' signatures thereon being conclusive evidence of the approval thereof (copies of such executed documents shall be filed in the records of the City):

QUIT-CLAIM DEED

THIS DEED, made and entered into this ____ day of _____, 2003, by and between THE CITY OF ST. LOUIS, MISSOURI, an instrumentality of government created pursuant to the laws of the State of Missouri with its principal office located at 1200 Market Street in the City of St. Louis, State of Missouri 63103 ("Grantor"), and THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, a body politic and corporate, having its principal place of business at 707 North First Street in the City of St. Louis, State of Missouri 63102 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledge, does by these presents **Remise, Release and forever Quit-Claim** unto Grantee, an easement on, over, under, or across certain hereinafter described portions of easements or other rights owned and held by Grantor on certain Real Estate situated in the City of St. Louis and State of Missouri, more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

This Deed is subject to all of the terms, provisions and covenants contained in that certain Easements For Metro Link Light Rail Transit System Agreement ("Agreement") dated July 1, 1991 by and between Grantor and Grantee named herein, which was recorded at Book M871 page 2062 of the St. Louis City Records. The terms of said Agreement are incorporated herein by this reference as if fully set forth herein.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and to the heirs, successors and assigns of Grantee forever. So that neither the Grantor, nor its heirs, successors and assigns, nor any other person or persons for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands the day and year first above written.

GRANTOR:

THE CITY OF ST. LOUIS

Francis Slay, Mayor

Darlene Green, Comptroller

Approved as to form:

Deputy City Counselor

Register

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2003, before me appeared Francis Slay, Mayor, and Darlene Green, Comptroller, to me personally known, who being by me duly sworn, did say that they are the Mayor and the Comptroller, respectively, of the City of St. Louis, an instrumentality of government created pursuant to the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said governmental entity, and that said instrument is the seal of said governmental entity, and the said instrument was signed and sealed on behalf of said governmental entity, with due authority, and said Mayor and Comptroller acknowledged said instrument to be the free act and deed of said governmental entity.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

Notary Public

My Commission Expires:

GRANTEE:

BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS
METROPOLITAN DISTRICT

By: _____
Larry E. Salci, Executive Director

ATTEST:

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2003, before me appeared Larry E. Salci, to me personally known, who, being by me duly sworn, did say that he is the Executive Director of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, a body politic and corporate organized and existing pursuant to Chapter 70 of the Revised Statutes of Missouri, as amended, and Chapter 127 of the Illinois Statutes Annotated; that the seal affixed to the foregoing instrument is the corporate seal of said agency, and said Larry E. Salci acknowledged said instrument to be the free act and deed of said agency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

Notary Public

My Commission Expires:

[EXHIBITS TO QUIT-CLAIM DEED TO FOLLOW]

SECTION THREE. This Ordinance being deemed necessary for the preservation of the public peace, safety, health and welfare, it is hereby declared to be an emergency ordinance within the meaning of Article IV, Sections 19 and 20, of the Charter of the City of St. Louis, and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Clerk, Board of Aldermen

President, Board of Aldermen

Approved: Date:

Mayor

Truly Engrossed and Enrolled

Chairman

Part of Theresa Avenue, 80 feet wide, lying between City Blocks 2209 and 2215 in the City of St. Louis, Missouri, and being more particularly described as follows:

Beginning at the intersection of the westerly line of said Theresa Avenue and the southerly line of Scott Avenue, 60 feet wide, said point also being the northeast corner of City Block 2209; thence across Theresa Avenue at right angles to the said westerly line South 75 degrees 16 minutes 23 seconds East 80.00 feet to the easterly line of Theresa Avenue; thence along said easterly line South 14 degrees 43 minutes 37 seconds West 258.34 feet to the southerly right-of-way line of the Norfolk Southern Railway Company; thence across said Theresa Avenue North 59 degrees 44 minutes 25 seconds West 83.03 feet to the intersection of the westerly line of Theresa Avenue and the southerly right-of-way line of said railroad; thence along said westerly line North 14 degrees 43 minutes 37 seconds East 236.10 feet to a the point of beginning. EXCEPTING THEREFROM the Southern 100 feet, more or less, conveyed to Burlington Northern Railroad Company by instruments recorded in Book 1066M page 1 and Book 1066M page 81.

Approved: February 14, 2003

**ORDINANCE #65808
Board Bill No. 403**

An ordinance authorizing the Mayor and the Comptroller to execute a quit-claim deed to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency") to amend the legal description of all of the right, title, and interest in certain property conveyed by the City of St. Louis pursuant to the terms of the Transfer Agreement as authorized by Ordinance 61051; and containing an emergency clause.

WHEREAS, pursuant to the terms of a Donation Agreement, the City of St. Louis, as authorized by Ordinance 61051, accepted the donation of certain property therein described as the Tunnel, the Union Depot Line and the Illinois Terminal Line; and

WHEREAS, pursuant to a Transfer Agreement, the Mayor, Comptroller, and other appropriate officers of the City of St. Louis, as authorized by Ordinance 61051, executed, attested, acknowledged, delivered and recorded deeds (the "Deeds") on behalf of the City of St. Louis conveying all of the City's right, title and interest in and to the Tunnel, the Union Depot Line and the Illinois Terminal Line to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"); and

WHEREAS, the Agency has, pursuant to the terms of the Transfer Agreement, constructed and now operates a light-rail, urban mass transit, public transportation system known as the MetroLink on the certain property known as the Tunnel, the Union Depot Line and the Illinois Terminal Line; and

WHEREAS, certain of the property descriptions contained in the Deeds were erroneous and should be corrected; and

WHEREAS, it is necessary that this Board of Aldermen take appropriate official action respecting the authorization of the execution, attestation, acknowledgment, delivery and recordation of a quit-claim deed to correct certain legal descriptions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Board of Aldermen finds that the correction of the legal description of certain of the property conveyed to the Agency is necessary and in the public interest and is in the interest of the public health, safety, morals, and general welfare of the people of the City.

SECTION TWO. The Mayor and Comptroller are hereby authorized and directed to execute, attest, acknowledge, deliver and record a quit-claim deed to the Bi-State Development Agency of the Missouri-Illinois Metropolitan District which shall read in words and figures in substantially the following form, with such modifications and revisions therein including the insertion of legal descriptions and other attachments as are called for in such documents, and such affidavits, and certificates, all as are consistent with the provisions of this Ordinance and the officers executing same, such officers' signatures thereon being conclusive evidence of the

approval thereof (copies of such executed documents shall be filed in the records of the City):

QUIT-CLAIM DEED

THIS DEED, made and entered into this ____ day of _____, 2003, by and between THE CITY OF ST. LOUIS, MISSOURI, an instrumentality of government created pursuant to the laws of the State of Missouri with its principal office located at 1200 Market Street in the City of St. Louis, State of Missouri 63103 ("Grantor"), and THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT, a body politic and corporate, having its principal place of business at 707 North First Street in the City of St. Louis, State of Missouri 63102 ("Grantee").

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration paid by Grantee, the receipt of which is hereby acknowledge, does by these presents Remise, Release and forever Quit-Claim unto Grantee, certain Real Estate situated in the City of St. Louis and State of Missouri, more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

This Deed is subject to all of the terms, provisions and covenants contained in that certain Quit-Claim Deed dated June 15, 1989 by and between Grantor and Grantee named herein, which was recorded at Book M736 page 1256 of the St. Louis City Records. The terms of said Quit-Claim Deed are incorporated herein by this reference as if fully set forth herein.

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto Grantee and to the heirs, successors and assigns of Grantee forever. So that neither the Grantor, nor its heirs, successors and assigns, nor any other person or persons for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises, or any part thereof, but they and every one of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands the day and year first above written.

GRANTOR:

THE CITY OF ST. LOUIS

Francis Slay, Mayor

Darlene Green, Comptroller

Approved as to form:

Deputy City Counselor

Register

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this ____ day of _____, 2003, before me appeared Francis Slay, Mayor, and Darlene Green, Comptroller, to me personally known, who being by me duly sworn, did say that they are the Mayor and the Comptroller, respectively, of the City of St. Louis, an instrumentality of government created pursuant to the laws of the State of Missouri, and that the seal affixed to the foregoing instrument is the seal of said governmental entity, and that said instrument is the seal of said governmental entity, and the said instrument was signed and sealed on behalf of said governmental entity, with due authority, and said Mayor and Comptroller acknowledged said instrument to be the free act and deed of said governmental entity.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

Notary Public

My Commission Expires:

GRANTEE:

BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS

METROPOLITAN DISTRICT

By: _____
 Larry E. Salci, Executive Director

ATTEST:

STATE OF MISSOURI)
) SS.
 CITY OF ST. LOUIS)

On this ____ day of _____, 2003, before me appeared Larry E. Salci, to me personally known, who, being by me duly sworn, did say that he is the Executive Director of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, a body politic and corporate organized and existing pursuant to Chapter 70 of the Revised Statutes of Missouri, as amended, and Chapter 127 of the Illinois Statutes Annotated; that the seal affixed to the foregoing instrument is the corporate seal of said agency, and said Larry E. Salci acknowledged said instrument to be the free act and deed of said agency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the City of St. Louis, State of Missouri, the day and year first above written.

 Notary Public

My Commission Expires: _____

[EXHIBITS TO QUIT-CLAIM DEED TO FOLLOW]

SECTION THREE. This Ordinance being deemed necessary for the preservation of the public peace, safety, health and welfare, it is hereby declared to be an emergency ordinance within the meaning of Article IV, Sections 19 and 20, of the Charter of the City of St. Louis, and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

 Clerk, Board of Aldermen

 President, Board of Aldermen

Approved: Date: _____

 Mayor

Truly Engrossed and Enrolled

 Chairman

A strip of ground being a strip of land 100 feet wide located in the City and County of St. Louis partly in U.S. Survey 378 and partly in Block 3853 of the City of St. Louis bounded North by the Southern line of Maple Avenue, South by the Northern line of Skinker Boulevard, West by the Eastern line of property conveyed to Ellen E. Lenox by deed recorded in Book 701-M Page 1145 and East by the Western line of property conveyed to Charles E. Green, et al by deed recorded in Book 94-M Page 1073.

A tract of land in encompassing the right of way of the Wabash Railway Company property between Vandeventer Avenue and Sarah Street, located City Block 3953 of the City of St. Louis, Missouri, being more particularly described as follows:

Commencing at the intersection of the westerly line of Vandeventer Avenue and the line common to U.S. Surveys 1332 and 1657; thence along said common line North 75 degrees 01 minutes 52 seconds West 417.52 feet to a point of beginning; thence continuing along said common line North 75 degrees 01 minutes 52 seconds West 126.27 feet; thence North 15 degrees 03 minutes 07 seconds East 20.00 feet; thence along a line parallel with and 20 feet northerly of said U.S. Survey line South 75 degrees 01 minutes 52 seconds East 126.15 feet; thence South 14 degrees 42 minutes 17 seconds West 20.00 feet to the point of beginning, containing 0.0579 acres or 2,524 sq. ft., more or less.

A tract of land in U.S. Surveys 1332 and 1657 in City Block 4589 in the City of St. Louis, Missouri, being more particularly described as follows:

Commencing at the intersection of the common line between said U.S. Surveys 1332 and 1657 and the westerly line of Boyle Avenue, 60' wide; thence along said common line North 75 degrees 01 minutes 52 seconds West 272.92 feet to a point of beginning; thence continuing along said common line North 75 degrees 01 minutes 52 seconds West 316.75 feet; thence leaving said common line North 14 degrees 47 minutes 51 seconds East 25.00 feet; thence South 75 degrees 01 minutes 52 seconds East 81.25 feet; thence North 14 degrees 47 minutes 51 seconds east 467.05 feet to the southerly line of Duncan Avenue, 60' wide; thence along

said southerly line South 75 degrees 01 minutes 51 seconds East 13.50 feet; thence South 14 degrees 47 minutes 51 seconds West 157.50 feet; thence parallel with the south line of Duncan Avenue South 75 degrees 01 minutes 51 seconds East 18.00 feet; thence South 14 degrees 47 minutes 51 seconds West 177.50 feet; thence South 75 degrees 01 minutes 51 seconds East 3.99 feet; thence along a curve to the left, having a radius of 181.40 feet, an arc distance of 155.43 feet and a chord bearing South 13 degrees 51 minutes 03 seconds East 150.72 feet; thence South 75 degrees 01 minutes 52 seconds East 45.75 feet; thence North 14 degrees 47 minutes 51 seconds East 309.55 feet; thence parallel with the south line of Duncan Avenue South 75 degrees 01 minutes 52 seconds East 5.00 feet; thence North 14 degrees 47 minutes 51 seconds East 157.50 feet to the southerly line of said Duncan Avenue; thence along said southerly line South 75 degrees 01 minutes 51 seconds East 20.00 feet; thence South 14 degrees 47 minutes 51 seconds West 157.50 feet; thence parallel with the south line of Duncan Avenue North 75 degrees 01 minutes 51 seconds West 10.00 feet; thence South 14 degrees 47 minutes 51 seconds West 306.55 feet; thence South 52 degrees 22 minutes 34 seconds East 72.69 feet to the said common line between U.S. Surveys 1332 and 1657 to the point of beginning, containing 0.6999 acres or 30,487 sq. ft., more or less.

A tract of land being part of City Block 5512 of the City of St. Louis, State of Missouri, described as follows, to wit: Beginning at the intersection of the Westerly right-of-way line of the Wabash Railway Company with the Southerly line of Delmar Boulevard; thence Southerly along said Westerly right-of-way line 160 feet; thence Northwesterly to a point in the Southerly line of Delmar Boulevard, which point is 30 feet Westerly from point of beginning; thence Easterly along the Southerly line of Delmar Boulevard, 30 feet to the point of beginning.

A triangular parcel of land being a part of a vacated road, lying between Blocks 13 and 14 of Watson's Fruit Hill, according to plat thereof recorded in Plat Book 9, page 80 of the St. Louis City (former County) Records described as follows: Beginning at a point of the Northern line of Watson Road being at the intersection of said Northern line with the Western line of said vacated road; thence North 15-1/2 degrees East along the Western line of said vacated road to its intersection with the Eastern line of the railroad right of way (100 feet wide); thence Southwardly along said Eastern line to the Northern line of Watson Road; thence Westwardly along said Northern line to the point of beginning.

A strip of land in Block 3949 of the City of St. Louis, Missouri, more particularly described as follows: Beginning at a point in the Westward prolongation of the Northern line of former Scott Avenue, 50 feet wide, as originally established in BENNETT PLACE and vacated by Ordinance No. 17177, said point distant 211.69 feet west of its intersections with the Western line of said BENNETT PLACE; thence Eastwardly 33.69 feet along said prolongation to the most Western corner of a triangular parcel described in deed to Wabash Railway Company, dated June 16, 1923, and recorded in Book 3909 Page 256, City of St. Louis Recorder's Office; thence Southeastwardly 181.46 feet along the Southwestern line of said Wabash Railway Company property to its most Southern corner in the Western line of BENNETT PLACE; thence Southwardly 8.89 feet along the Western line of BENNETT PLACE to a point distant 5.11 feet North of its intersection with the Southern line of said former Scott Avenue; thence Northwestwardly 216.24 feet in a straight line to the point of beginning and containing 1,547 square feet, according to a survey made by Pitzman's Co. of Surveyors & Engineers in October, 1957.

A tract of land in BLOCK 3949 of the City of St. Louis described as follows: Beginning at a point on the North line of Scott Avenue, vacated, (formerly Laurel Avenue), distant Westerly 425 feet 4 inches measured along said line of Scott Avenue, from the West line of Spring Avenue, thence Westwardly, along the prolongation of said North line of Scott Avenue, 178 feet thence Southeastwardly by a right line 181.6 feet to a point 36 feet distant Southerly from the point of beginning thence Northwardly to the point of beginning.

A tract of land located in City Block 2209 in the City of St. Louis, State of Missouri, being more particularly described as follows:

Commencing at the intersection of the east line of Grand Avenue and the south line of Scott avenue, thence along said east line South 15 degrees 06 minutes 19 seconds West 55.00 feet to the westerly lot corner common to Lots 11 and 12 of the Ranken Estate Subdivision said point being the point of beginning; thence along the lot line common to said lots South 75 degrees 19 minutes 47 seconds East 150.00 feet to the west line of a north-south 15-foot wide alley; thence South 26 degrees 24 minutes 28 seconds East 22.63 feet to the east line of said alley; thence South 65 degrees 47 minutes 33 seconds East 123.14 feet to a line common to the Market Street and Chouteau Avenue Subdivision of the Auguste Chouteau Tract and the Third and Fourth Subdivision of Ranken's Estate; thence along said common line South 14 degrees 43 minutes 40 seconds West 51.23 feet; thence North 64 degrees 54 minutes 03 seconds West 139.03 feet to the west line of said alley; thence North 69 degrees 42 minutes 53 seconds West 150.61 feet to the east line of Grand Avenue; thence along said east line North 15 degrees 06 minutes 19 seconds East 48.79 feet to the point of beginning, containing 0.3531 acres or 15,381 sq. ft., more or less.

A tract of land in BLOCKS 2214 and 2215 of the City of St. Louis described as follows: Beginning at the intersection of the Southwestwardly right of way line of Wabash Railroad Company and the Westerly right of way line of Ranken Avenue; said street right of way line intersecting the centerline of Wabash Railroad Company's main track at valuation station 80+05 being milepost 1.8; said point being the true point of beginning; thence, Northwestwardly along Wabash Railroad Company's said line for a distance of 426.78 feet to a point on the Easterly right of way line of Theresa Avenue; thence, Northwardly along said street line for a distance of 150 feet to the South line of a 12 foot wide alley; thence, Southeastwardly along said alley line, along the Northeastwardly right of way line of Wabash Railroad Company's for a distance of 274.11 feet to a corner; thence, Northeastwardly at a right angle to last called line across said alley for a distance of 12 feet; thence, Northwestwardly for a distance of 82.46 feet to a point 221 feet Southeastwardly as measured parallel to the centerline of said main track, from a point on the aforesaid line of Theresa Avenue; thence, Southwestwardly along a line parallel to the centerline of said main track for a distance of 205.17 feet to a point on the aforesaid line of Ranken Avenue; thence, Southwardly along said line of Ranken Avenue for a distance of 204.85 feet to the point of beginning.

Being a strip having a general width of 56 feet that is varying from 20 to 21.7 feet in width on the northeasterly side and 34.5 to 35.5 feet on the southwesterly side of the common centerline of the Grantor's main tracks beginning at the westerly right of way line of Kinsbury Avenue being the true point of beginning; thence, Northwestwardly for a distance of 1100 feet to the southerly right of way line of Delmar Boulevard and the point of ending, TOGETHER with a triangle lying on and adjacent to the westerly side of said strip having one leg of the triangle lying 30 feet along the said line of Delmar Boulevard, and the second leg beginning at said street line and extending Southeastwardly along said strip for a distance of 160 feet.

Beginning at the intersection of the westerly right of way line of Theresa Avenue and the southwesterly right of way line of Grantor being the true point of beginning; thence, Northwestwardly along said line of Grantor for a distance of 716 feet to a point on the easterly line of Grand Avenue; thence, Northwardly along said line of Grand Avenue for a distance of 48.8 feet to a point 55 feet southerly as measured along said line from the southerly line of Scott Avenue; thence, Eastwardly along a line parallel to said line of Scott Avenue for a distance of 150.38 feet to a point on the westerly line of a 15 foot wide alley; thence, Southeastwardly for a distance of 22.5 feet, crossing said alley, to a point 72.06 feet southerly as measured along the easterly line of said alley from the aforesaid line of Scott Avenue; thence, Southeastwardly for a distance of 121 feet to a point 92.46 feet southerly as measured parallel to aforesaid alley line from the said line of Scott Avenue; thence, Northwardly along a line parallel to said alley line for a distance of 78 feet to a corner in the southerly right of way line of Scott Avenue; thence, Eastwardly along said line of Scott Avenue for a distance of 225 feet to a corner; thence, Southwardly along a line parallel to the aforesaid line of Theresa Avenue for a distance of 107.39 feet to a point; thence, Southeastwardly for a distance of 67 feet to a point 113.66 feet southerly as measured parallel to said line of Theresa Avenue, from the aforesaid line of Scott Avenue; thence, Eastwardly parallel to said line of Scott Avenue for a distance of 120.0 feet to a point on the aforesaid line of Theresa Avenue; thence, Southwardly along said line of Theresa Avenue for a distance of 122.5 feet to the point of beginning.

Approved: February 14, 2003

ORDINANCE #65809
Board Bill No. 407
Committee Substitute

AN ORDINANCE PROVIDING FOR THE UNCONDITIONAL VACATION OF A 33 FOOT x 50 FOOT PORTION OF PUBLIC AIR RIGHTS APPROXIMATELY 57 FEET ABOVE ST. CHARLES STREET BETWEEN 10th STREET AND 11th STREET ADJOINING CITY BLOCKS 179 AND 281 AND AUTHORIZING A PREVIOUSLY EXISTING STRUCTURE AND THE FUTURE RENOVATION, ALTERATION, OR IMPROVEMENT THEREOF IN THE VACATED AREA IN THE CITY OF ST. LOUIS, MISSOURI AND CONTAINING AN EMERGENCY CLAUSE.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The following public air rights is hereby vacated and abolished, unconditionally and without any reservation of rights herein, in the project area:

A tract of land being part of the existing right-of-way of St. Charles Street, lying between 10th Street and 11th Street in the City of St. Louis, Missouri and being more particularly described as follows:

Commencing at the intersection of the East line of 11th Street, 60.00 feet wide, with the North line of St. Charles Street, 50.00 feet wide; thence along said North line, South 60 degrees 01 minutes 40 seconds East a distance of 43.06 feet to the Point of Beginning; thence continuing South 60 degrees 01 minutes 40 seconds East a distance of 33.00 feet; thence leaving said North line, South 30 degrees 00 minutes 53 seconds West a distance of 50.00 feet to a point on the South line of said St. Charles Street; thence along said line, North 60 degrees 01 minutes 40 seconds West a distance of 33.00 feet; thence leaving said South line, North 30 degrees 00 minutes 53 seconds East a distance of 50.00 feet to the Point of Beginning. The above description encompasses an area beginning at elevation 57.00 feet (City of St. Louis datum) to a ceiling elevation of 184.00 feet.

shall be and is hereby vacated.

SECTION TWO. The owner of a portion of existing bridge will renovate and make use of an existing portion of the bridge as part of Redevelopment of the Merchandise Mart for residential use.

SECTION THREE. An appropriate application shall be filed with the Building Division and there shall be submitted detailed plans for the erection, construction and use of the buildings, structures and related facilities which are to be constructed or used over the areas described in Section One.

SECTION FOUR. Notwithstanding any provisions of the Revised Code of St. Louis or the Ordinances of the City of St. Louis to the contrary, the Board of Public Service and the Building Division are hereby authorized and directed to issue building permits for the erection, construction and/or use of buildings, structures and related facilities, as well as any future additions, alterations or improvements thereto and renewals and rebuildings thereof, in the areas vacated pursuant to the provisions of Section 1 hereof when the Building Division shall find that:

1. The proposed plans and specifications of such buildings, structures and related facilities are such that said

buildings, structures and related facilities will be located within the boundaries of the areas vacated by Section One.

2. The proposed manner of construction pursuant to the proposed plans and specifications of such buildings, structures and related facilities shall be such as to not unduly interfere with traffic on the public right-of-way.

3. Materials proposed in the plans and specifications to be used in constructing the said buildings, structures and other facilities shall be such as are customarily used in projects of this type.

SECTION FIVE. The present owners and any successors and assigns of the ownership of the real property abutting the areas described in Section One shall be bound by the following terms and conditions:

1. They shall indemnify and hold harmless the City of St. Louis against any liability, loss of damage arising out of, or in connection with the construction, maintenance and occupancy of the buildings, structures and related facilities above the public right-of-way.

2. All construction of and repair and maintenance to the exterior portions of the buildings, structures and related facilities above the public right-of-way shall be performed only at such times and by such methods as Board of Public Service shall permit, except in the case of an emergency.

3. No advertising signs, displays or devices shall be placed above the public right-of-way unless approved by the Board of Public Service.

4. No hazardous or unreasonably objectionable smoke, fumes, vapor or odor shall be permitted to descend to the grade line of the public right-of-way.

5. All buildings, structures and related facilities over the public right-of-way shall be properly maintained so as to safeguard adequately said buildings, structures and related facilities against fire and other hazards.

6. The City of St. Louis or its authorized agent shall have the reasonable right to enter into and inspect all buildings, structures and related facilities maintained over the public right-of-way.

7. All buildings, structures and related facilities located over the public right-of-way shall comply with all regulations imposed by the City of St. Louis to protect against fire and other hazards which would impair the use and safety of the public right of way.

8. In the use of the air space over the public right-of-way, all necessary and appropriate safeguards to protect the public right-of-way shall be provided.

9. All construction in, and use of, the air space over the public right-of-way shall be in compliance with the rules, regulations and requirements established by the Department of Streets of the City of St. Louis.

10. Upon completion of the construction of the buildings, structures and related facilities contemplated hereby, the present owners or its successors and assigns shall furnish the City of St. Louis evidence of fire and extended coverage insurance and public liability insurance during the time the air space over the public right-of-way shall be occupied by the aforementioned buildings, structures or related facilities and such policies of insurance shall be in such reasonable amounts as set by Board of Public Service and shall contain a provision waiving subrogation against the City of St. Louis.

SECTION SIX. The passage of this Ordinance being deemed necessary to the carrying out of a public project and the development of a public work or improvement, for the immediate preservation of the public peace, health, and safety, it is hereby declared to be an emergency measure and shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

ORDINANCE #65810
Board Bill No. 409

An ordinance recommended by the Planning Commission on January 15, 2003, to change the zoning of property as indicated on the District map, to the "J" Industrial District, so as to include the described parcels of land in City Block 461; and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The zoning designation of certain real property located in City Block 461 is hereby changed to the "J" Industrial District, real property being more particularly described as follows:

A 1.52 acre tract of land in the southeast corner of city block 461, between 7th and 8th Streets, in the Beckwiths Addition.

SECTION TWO: This ordinance being necessary for the preservation of the health, safety and welfare, shall take effect

and be in full force immediately upon approval by the Mayor of the City of St. Louis.

Approved: February 14, 2003

**ORDINANCE #65811
Board Bill No. 413**

An ordinance pertaining to relief of victims of disasters, authorizing the Director of Health and Hospitals to enter into an agreement with the American Red Cross, St. Louis Area Chapter to provide relief to the victims of disaster during a federally declared public health crisis, and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Director of Health and Hospitals is hereby authorized to enter into an agreement with the American Red Cross, St. Louis Area Chapter, to provide relief to victims of disaster during a federally public health crisis, which agreement shall be substantially as Exhibit One which is attached hereto and made a part hereof.

SECTION TWO. This being an ordinance for the immediate preservation of the public peace, health and safety it is hereby declared to be an emergency ordinance as provided for by Article IV, Section 20 of the Charter of the City of St. Louis, and shall be effective immediately upon approval by the Mayor or its approval over his veto.

Approved: February 14, 2003

**ORDINANCE #65812
Board Bill No. 415**

An ordinance pertaining to public nuisances, repealing Section Two of Ordinance 64164, setting forth the procedure to collect the costs associated with the abatement of public nuisances under Chapter 11.04 of the Revised Code of the City and enacting in lieu thereof a new section pertaining to the same subject matter and containing an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Section Two of Ordinance 64164 is hereby repealed and enacted in lieu thereof is a new section, to be designated Section 11.04.110 of the Revised Code, to read as follows:

11.04.110 Abatement-Billing for costs.

A. The Forestry Commissioner shall bill the owners of any property on which the City abates a nuisance under this chapter for the cost of such abatement. Any such bill for the abatement of a nuisance under the provisions of section 11.04.080 which is unpaid ninety (90) days after it is mailed may be referred to the City Counselor or to a collection agency for collection and shall bear interest at the highest rate allowed by law. Any such bill for the abatement of a nuisance under the provisions of 11.04.090 which the Forestry Commissioner has been unable to collect shall be certified to the comptroller who shall prepare a special tax bill for the amount of the cost certified and shall immediately send the special tax bill to the Collector of Revenue for collection as provided in Section 5.08.010, et. seq. of the Revised Code of the City of St. Louis, and the certified cost shall be collected in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

Approved: February 14, 2003

**ORDINANCE #65813
Board Bill No. 430**

AN ORDINANCE, recommended by and authorizing and directing the Board of Public Service to let contracts, purchase materials, equipment and supplies, employ labor, hire consultants, pay fees, salaries and wages, and otherwise provide for contaminated soil removal and remediation necessitated by the removal, abandonment or replacement of underground storage tanks at the Chain of Rocks and Howard Bend Water Treatment Plants, the Pipe Yard and any other property of the City of St. Louis Water Division; appropriating Nine Hundred Thousand Dollars (\$900,000.00) from the Water Works Contingent Account pursuant to Section Five Hundred Two (502) of Ordinance Number 63135, approved March 29, 1994; containing sections for the description of work, approval of plans and specifications, work and material guarantees, estimated expenditures allocation and reversion authorizations, reimbursement authorization, applicable state and federal wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, contract advertising statutes, and an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Board of Public Service is hereby authorized and directed to let contracts, purchase materials, equipment and supplies, employ labor, hire consultants, pay fees, salaries and wages, and otherwise provide for contaminated soil

removal and remediation work necessitated by the removal, abandonment or replacement of underground storage tanks at the Chain of Rocks and Howard Bend Water Treatment Plants, the Pipe Yard and any other property of the City of St. Louis Water Division.

SECTION TWO. The work provided for herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefor.

SECTION THREE. Any contract, or contracts, shall provide that the contractor, or contractors, doing said work shall guarantee and keep in good repair all of the work and materials used in connection therewith for a term of at least one (1) year, commencing on the date of acceptance of the work by the City.

SECTION FOUR. There is hereby appropriated a sum of Nine Hundred Thousand Dollars (\$900,000.00) from the Water Works Contingent Account, pursuant to Section Five Hundred Two (502) of Ordinance No. 63135, approved March 29, 1994, to be expended for the work authorized under Section One of this ordinance. All funds appropriated under this ordinance which remain after the complete and final payment for all work authorized under Section One of this ordinance shall revert to the Water Works Contingent Account.

SECTION FIVE. All construction contracts let under authority of this ordinance shall provide that no less than the prevailing hourly rate of wages be paid in the City of St. Louis, as determined by the Federal Davis-Bacon Act and the Department of Labor and Industrial Relations of the State of Missouri; said prevailing wage shall be paid for each craft or type of worker needed in the actual construction work of the job herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work. All labor to be performed under this contract shall be subject to the provisions of Section 290.210 to 290.340 inclusive, of the Revised Statutes of Missouri, 1986, as amended, and the Charter and Code of the City of St. Louis.

SECTION SIX. The Comptroller of the City of St. Louis shall be and is hereby directed to draw warrants from time to time on the Treasurer of said City for the several payments of the costs specified in Section One hereof.

SECTION SEVEN. All specifications approved by the Board of Public Service and contracts let under the authority of this ordinance shall provide for compliance with all ordinances and the Mayor's Executive Orders on Equal Opportunity dated March 25, 1982 and December 4, 1984, and the Mayor's Executive Order of December 22, 1986 on the selection of experts and consultants except when superceded or otherwise prohibited by Federal or State Regulations.

SECTION EIGHT. All advertisement for bids pursuant to this ordinance shall be subject to Section 8.250 of the Revised Statutes of Missouri, 1986, as amended.

SECTION NINE. This being an ordinance providing for public work and improvements, and the passage thereof being deemed necessary for the immediate preservation of the public health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter of the City of St. Louis and this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

ORDINANCE #65814
Board Bill No. 431

AN ORDINANCE, recommended by and authorizing and directing the Board of Public Service to let contracts, purchase materials, equipment and supplies, employ labor, hire consultants, pay fees, salaries and wages, and do all things necessary to provide for the extension and improvement of the Municipal Water Works System by the installation and replacement of valving and water mains and the cleaning and relining of water mains in the distribution system of the City of St. Louis Water Division; to appropriate and pay the estimated cost of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the Water Works Contingent Account, pursuant to Section Five-Hundred Two (502) of Ordinance Number 63135, approved March 29, 1994; containing sections for description of the work, approval of plans and specifications, work and material guarantees, estimated expenditures, allocation and reversion authorizations, reimbursement authorization, applicable state and federal wage rate requirements, equal opportunity provisions, the Mayor's Executive Orders, contract advertising statutes, and a public work emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Board of Public Service is hereby authorized and directed to let contracts, purchase materials, equipment and supplies, employ labor, hire consultants, pay fees, salaries and wages, and otherwise provide for the design and construction for the extension and improvement of the Municipal Water Works System by the installation and replacement of valving and water mains and the cleaning and relining of water mains in the distribution system of the City of St. Louis Water Division, in accordance with the plans and specifications approved and adopted by the Board of Public Service.

SECTION TWO. The work provided herein shall be carried out in accordance with detailed plans and specifications to be adopted and approved by the Board of Public Service before bids are advertised therefor.

SECTION THREE. Any contract, or contracts, shall provide that the contractor, or contractors, doing said work shall guarantee and keep in good repair all of the work and materials used in connection therewith for a term of at least one (1) year, commencing on the date of acceptance of the work by the City.

SECTION FOUR. The sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00) is hereby appropriated and allocated to pay the estimated cost of the work authorized herein from the Water Works Contingent Account, pursuant to Section Five-Hundred Two (502) of Ordinance Number 63135, approved March 29, 1994. All funds remaining in this appropriation and allocation, after the final time of acceptance of the work, shall revert to the same source from which they were appropriated and allocated, after the expiration of any guarantee period.

SECTION FIVE. All construction contracts let under authority of this ordinance shall provide that no less than the prevailing hourly rate of wages be paid in the City of St. Louis, as determined by the Federal Davis-Bacon Act and the Department of Labor and Industrial Relations of the State of Missouri; said prevailing wage shall be paid for each craft or type of worker needed in the actual construction work of the job herein authorized, as well as the general prevailing rate of pay for legal holidays and overtime work. All labor performed under this contract shall be subject to the provisions of Section 290.210 to 290.340 inclusive, of the Revised Statutes of Missouri, 1986, as amended, and the charter and Code of the City of St. Louis.

SECTION SIX. The Comptroller of the City of St. Louis shall be hereby directed to draw warrants from time to time on the Treasurer of said City for the several payments and costs specified in Section One hereof.

SECTION SEVEN. All specifications approved by the Board of Public Service and contracts let under the authority of this ordinance shall provide for compliance with all ordinances and Mayor's Executive Orders on equal opportunity and on selection of experts and consultants except when superceded or otherwise prohibited by Federal or State Regulations.

SECTION EIGHT. All advertisements for bids, pursuant to this Ordinance, shall be subject to Section 8.250 of the Revised Statutes of Missouri, 1986, as amended.

SECTION NINE. This being an Ordinance providing for public work and improvements, and the passage thereof being deemed necessary for the immediate preservation of the public health and safety, an emergency is hereby declared to exist within the meaning of Section 20 of Article IV of the Charter of the City of St. Louis and this ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

**ORDINANCE #65815
Board Bill No. 432**

AN ORDINANCE, authorizing an increase in the surcharge imposed by Ordinance 59363 and as amended by Ordinance 63653, relating to the special account established for the repair of certain residential water lines and appurtenances, and containing an emergency clause.

WHEREAS, a special account was established pursuant to Ordinance 59363 for the repair of certain residential water lines and authorized a surcharge of up to \$3.00 per quarter to fund said account, and

WHEREAS, Ordinance 61172, approved December 21, 1988, reduced the initial program surcharge from \$2.00 to \$1.00 per quarter due to a surplus of funds in the program account, and

WHEREAS, said Ordinance 59363 and as amended by Ordinance 63653 authorized the Board of Aldermen to increase said surcharge upon recommendation of the Board of Estimate and Apportionment after receiving a report from the Water Commissioner that the current level of surcharge will be insufficient to meet the anticipated costs of the program, and

WHEREAS, on or about May 1, 1999, the Water Commissioner reported a need for additional funds in said account to cover the requirements of the program, which caused the Board of Estimate and Apportionment to recommend an increase in the surcharge from \$1.00 to \$2.00 per quarter which was thereafter approved by the Board of Aldermen as Ordinance 64721, and

WHEREAS, on or about January 1, 2003, the Water Commissioner reported a need for additional funds due to the expanded requirements mandated by Ordinance 63653, which caused the Board of Estimate and Apportionment to recommend an increase in the surcharge from \$2.00 per quarter to \$3.00 per quarter.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Pursuant to Section 7 of Ordinance 59363 approved February 5, 1985, and as amended by Ordinance 63653 approved February 27, 1996, the surcharge established in Section 2 of said Ordinance 59363 is increased to its maximum level of \$3.00 per quarter.

SECTION TWO. This being an ordinance relating to a public work and improvement and to provide the preservation of the public health and safety, it is hereby declared to be an emergency measure as defined by Article IV, Section 20 of the City Charter, and shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

ORDINANCE #65816
Board Bill No. 434

AN ORDINANCE recommended by the Board of Public Service authorizing and directing the Mayor and the Comptroller of the City of St. Louis (hereinafter called "City") to execute and deliver to The Metropolitan St. Louis Sewer District (hereinafter called "MSD"), its successors and assigns, a Easement Agreement for a five foot (5') wide strip of land crossing the City of St. Louis Water Division (hereinafter called "Water Division") property. The sole purpose of said Easement is for operation and maintenance of a sanitary sewer to service the needs of the Villas at Ladue Bluffs Subdivision. The property, owned by the City of St. Louis and is located within the corporate limits of the City of Chesterfield, in St. Louis County. This ordinance voids BPS Permit #106674, Document #262121, that allowed construction of the sanitary sewer and contains an emergency clause.

WHEREAS, the City is the owner of property located in St. Louis County known as the City Howard Bend Water Treatment Plant; located within the corporate limits of the City of Chesterfield, and

WHEREAS, it is deemed to be in the public interest to permit such activity as to operate and maintain said sanitary sewer line across property owned by the City, and.

WHEREAS, the City is willing to grant an easement, as described in **EXHIBIT 1**, to the Metropolitan St. Louis Sewer District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Mayor and the Comptroller, acting on behalf of the City of St. Louis, are hereby authorized and directed to execute and deliver to The Metropolitan St. Louis Sewer District, its successors and assigns, the easement as described in Exhibit 1 of the Ordinance, located in St. Louis County.

SECTION TWO. BPS Permit #106674, Document #262121 is hereby null and void.

SECTION THREE. Emergency Clause. This being an ordinance for the preservation of health and safety, it is hereby declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

EXHIBIT I
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into this _____ day of _____, 2003, by and between the City of St. Louis Water Division (hereinafter called the "City") and The Metropolitan St. Louis Sewer District, (hereinafter called "District"), with a mailing address of 2000 Hampton Avenue, St. Louis, Missouri 63139. This easement is authorized by City of St. Louis Ordinance Number _____ dated _____, 2003.

WHEREAS, the City is the owner of property located in St. Louis County known as the City Howard Bend Water Treatment Plant, located within the corporate limits of the City of Chesterfield, and

WHEREAS, the Villas at Ladue Bluffs Subdivision, being developed by The Jones Company and located along the Northeast side of Olive Street Road, has been given BPS Permit #106674, Document #262121 to allow the construction of a sanitary sewer line to service said subdivision, and

WHEREAS, the District is willing to be responsible for operation and maintenance of said sanitary sewer lines, and

WHEREAS, the City is willing to grant an easement as described in **EXHIBIT A**, to the Metropolitan St. Louis Sewer District.

NOW, THEREFORE, for the Sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City hereby sells, assigns, transfers and conveys unto the District the following described Easement:

An Easement five feet (5') in width, centered on the sanitary sewer line, located within a tract of land being a part of Lot 8 & 9 of the subdivision of Moss Hunton's Landas per the plat thereof recorded in Book 594, Page 437 of the St. Louis County Records and being situated in U. S. Survey 121, Township 43 North, Range 4 East, St. Louis County, Missouri (Locator #16R110022). More particularly described in "EXHIBIT A" and made a part of this document.

This agreement is subject to the following conditions:

1. This easement is hereby granted by the City and accepted by the District, its successors and assigns, upon the understanding that the City, its successors and assigns shall not be liable for any property damage, loss of life or personal injury that may be sustained by any person or persons, when damage or injury was caused by the negligence of the District, its employees, agents or licensees. The District agrees to require any contractor or contractors engaged in the performance

- of any work within the easement to carry liability insurance (naming the City as an additional insured) in an amount sufficient to satisfy District requirements.
2. If the District constructs any facility within the easement, the plans and specifications for said construction shall first be submitted to the City's Board of Public Service and the Water Division for their approval, which approval shall not unreasonably be withheld.
 3. The City shall allow ingress and egress to the easement and reasonable working room as required by the construction, reconstruction, maintenance or repairs.
 4. If the City constructs and/or reconstructs any facilities within or upon the above described Easement, the City shall give the District ample notice and an opportunity to review and comment on the plans and specifications thereof. During any construction program or repair of existing facilities, the City shall take all precautions to avoid damage to the District facilities and, if the damages occur, shall repair said District facilities as nearly as practicable to its original condition.
 5. The District shall use the easement for the sole purpose of operation, maintenance, construction and reconstruction of sanitary sewer facilities.
 6. The District shall take all precautions to avoid the temporary interruption of water transmission by the City and shall seek permission of the City if any such interruption is necessary.
 7. All excess material not used for fill during construction shall be removed from the site..
 8. The surface of any ground, disturbed within the easement during construction by the District or the City shall be graded smooth and shall be seeded, fertilized and strawed.
 9. All fill material used on the easement shall be clean earth or granular limestone only. No rubble or debris shall be used.
 10. The City reserves the right to use the Easement for future open cut crossings for City water mains and, after construction shall repair, as nearly as practicable all District facilities damaged by construction.

IN WITNESS WHEREOF, the City has executed this Easement Agreement as of the day and year first above written.

THE CITY OF ST. LOUIS

THE METROPOLITAN ST. LOUIS SEWER DISTRICT

Francis G. Slay, Mayor

_____, Executive Director

Approved as to Legal Form:

Darlene Greene, Comptroller

Randy Hayman, General Counsel

Approved as to form:

ATTEST:

CITY COUNSELOR

Karl J. Tyminski, Secretary - Treasurer

ATTEST:

REGISTER

STATE OF MISSOURI)
)
CITY OF ST. LOUIS)

On this ____ day of _____, 2003 before me personally appeared Francis G. Slay and Darlene Green, respectively being by me duly sworn did state that he is the Mayor and she is the Comptroller of the City of St. Louis, a Municipal Corporation of the State of Missouri, and that said instrument was signed and sealed on behalf of the City of St. Louis by authority of Ordinance No. _____, approved on the ____ day of _____, 2003 acknowledged said instrument to be the free act and deed of said City of St. Louis.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Notary Public

My Commission expires:

CITY OF ST. LOUIS)
STATE OF MISSOURI)

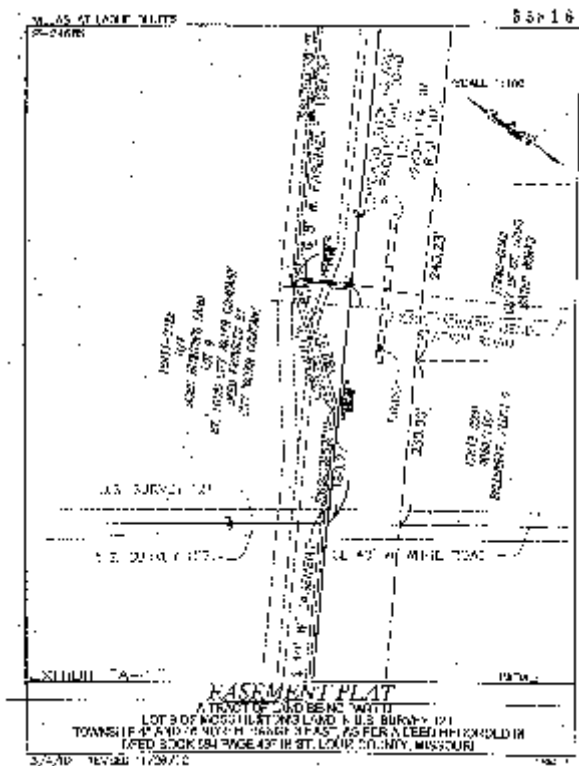
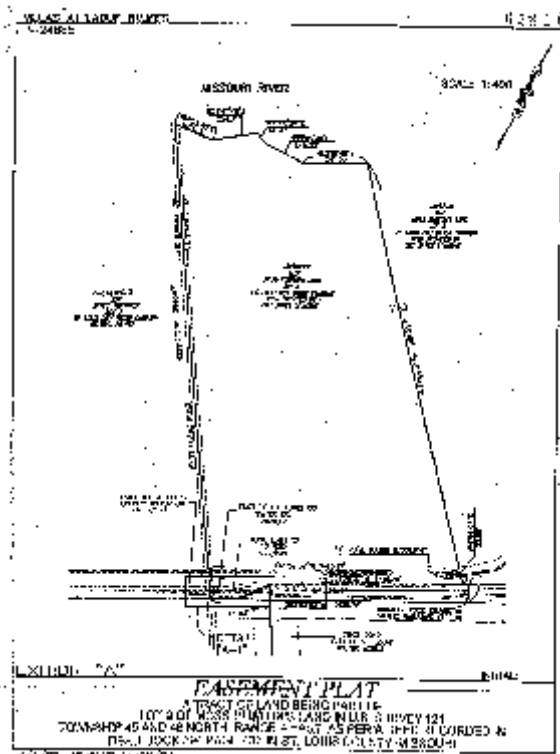
On this ____ day of _____, 2003 before me personally appeared _____, being by me duly sworn did state that he is the Executive Director of The Metropolitan St. Louis Sewer District, a Municipal Corporation of the State of Missouri, and that said instrument was signed and sealed on behalf of The Metropolitan St. Louis Sewer District. He also acknowledged said instrument to be the free act and deed of The Metropolitan St. Louis Sewer District.

Notary Public

My Commission expires:

Approved: February 14, 2003

EXHIBIT A - EASEMENT PLAT



ORDINANCE #65817
Board Bill No. 435

AN ORDINANCE recommended by the Board of Public Service authorizing and directing the Mayor and the Comptroller of the City of St. Louis (hereinafter called "City") to execute and deliver to The Metropolitan St. Louis Sewer District (hereinafter called "MSD"), its successors and assigns, a Easement Agreement for a five foot (5') wide strip of land crossing the City of St. Louis Water Division (hereinafter called "Water Division") property. The sole purpose of said Easement is for operation and maintenance of a sanitary sewer to service the needs of the Villas at Ladue Bluffs Subdivision. The property, owned by the City of St. Louis and is located within the corporate limits of the City of Chesterfield, in St. Louis County. This ordinance voids BPS Permit #106674, Document #262121, that allowed construction of the sanitary sewer and contains an emergency clause.

WHEREAS, the City is the owner of property located in St. Louis County known as the City Howard Bend Water Treatment Plant; located within the corporate limits of the City of Chesterfield, and

WHEREAS, it is deemed to be in the public interest to permit such activity as to operate and maintain said sanitary sewer line across property owned by the City, and.

WHEREAS, the City is willing to grant an easement, as described in **EXHIBIT 1**, to the Metropolitan St. Louis Sewer District.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The Mayor and the Comptroller, acting on behalf of the City of St. Louis, are hereby authorized and directed to execute and deliver to The Metropolitan St. Louis Sewer District, its successors and assigns, the easement as described in Exhibit 1 of the Ordinance, located in St. Louis County.

SECTION TWO. BPS Permit #106674, Document #262121 is hereby null and void.

SECTION THREE. Emergency Clause. This being an ordinance for the preservation of health and safety, it is hereby declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this ordinance shall become effective immediately upon its passage and approval by the Mayor.

EXHIBIT I
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made and entered into this _____ day of _____, 2003, by and between the City of St. Louis Water Division (hereinafter called the "City") and The Metropolitan St. Louis Sewer District, (hereinafter called "District"), with a mailing address of 2000 Hampton Avenue, St. Louis, Missouri 63139. This easement is authorized by City of St. Louis Ordinance Number _____ dated _____, 2003.

WHEREAS, the City is the owner of property located in St. Louis County known as the City Howard Bend Water Treatment Plant, located within the corporate limits of the City of Chesterfield, and

WHEREAS, the Villas at Ladue Bluffs Subdivision, being developed by The Jones Company and located along the Northeast side of Olive Street Road, has been given BPS Permit #106674, Document #262121 to allow the construction of a sanitary sewer line to service said subdivision, and

WHEREAS, the District is willing to be responsible for operation and maintenance of said sanitary sewer lines, and

WHEREAS, the City is willing to grant an easement as described in **EXHIBIT A**, to the Metropolitan St. Louis Sewer District.

NOW, THEREFORE, for the Sum of Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the City hereby sells, assigns, transfers and conveys unto the District the following described Easement:

An Easement five feet (5') in width, centered on the sanitary sewer line, located within a tract of land being a part of Lot 9 of the subdivision of Moss Hutton's Land as per the plat thereof recorded in Surveyor's Record Book 2 Page 21 of the St. Louis County Records and being situated in U. S. Survey 121, Township 43 North, Range 4 East, St. Louis County, Missouri (Locator #17R430042). More particularly described in "EXHIBIT A" and made a part of this document.

This agreement is subject to the following conditions:

1. This easement is hereby granted by the City and accepted by the District, its successors and assigns, upon the understanding that the City, its successors and assigns shall not be liable for any property damage, loss of life or personal injury that may be sustained by any person or persons, when damage or injury was caused by the negligence of the District, its employees, agents or licensees. The District agrees to require any contractor or contractors engaged in the performance

- of any work within the easement to carry liability insurance (naming the City as an additional insured) in an amount sufficient to satisfy District requirements.
2. If the District constructs any facility within the easement, the plans and specifications for said construction shall first be submitted to the City's Board of Public Service and the Water Division for their approval, which approval shall not unreasonably be withheld.
 3. If the City constructs and/or reconstructs any facilities within or upon the above described Easement, the City shall give the District ample notice and an opportunity to review and comment on the plans and specifications thereof. During any construction program or repair of existing facilities, the City shall take all precautions to avoid damage to the District facilities and, if the damages occur, shall repair said District facilities as nearly as practicable to its original condition.
 4. The District shall use the easement for the sole purpose of operation, maintenance, construction and reconstruction of sanitary sewer facilities.
 5. The District shall take all precautions to avoid the temporary interruption of water transmission by the City and shall seek permission of the City if any such interruption is necessary.
 6. All excess material not used for fill during construction shall be removed from the site..
 7. The surface of any ground, disturbed within the easement during construction by the District or the City shall be graded smooth and shall be seeded, fertilized and strawed.
 8. All fill material used on the easement shall be clean earth or granular limestone only. No rubble or debris shall be used.
 9. The City reserves the right to use the Easement for future open cut crossings for City water mains and, after construction shall repair, as nearly as practicable all District facilities damaged by construction.

IN WITNESS WHEREOF, the City has executed this Easement Agreement as of the day and year first above written.

THE CITY OF ST. LOUIS

THE METROPOLITAN ST. LOUIS SEWER DISTRICT

Francis G. Slay, Mayor

_____, Executive Director

Approved as to Legal Form:

Darlene Greene, COMPTROLLER

Randy Hayman, General Counsel

Approved as to form:

ATTEST:

CITY COUNSELOR

Karl J. Tyminski, Secretary - Treasurer

ATTEST:

REGISTER

STATE OF MISSOURI)
)
CITY OF ST. LOUIS)

On this ____ day of _____, 2003, before me personally appeared Francis G. Slay and Darlene Green, respectively being by me duly sworn did state that he is the Mayor and she is the Comptroller of the City of St. Louis, a Municipal Corporation of the State of Missouri, and that said instrument was signed and sealed on behalf of the City of St. Louis by authority of Ordinance No. _____, approved on the ____ day of _____, 2003 acknowledged said instrument to be the free act and deed of said City of St. Louis.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last written above.

Notary Public

My Commission expires:

CITY OF ST. LOUIS)
)

ORDINANCE #65818
Board Bill No. 291

An Ordinance repealing Ordinance 62292, approved on May 31, 1991, and enacting in lieu thereof a new ordinance prohibiting prostitution, public solicitation, and patronizing prostitution, and containing definitions, penalty clause and emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS :

SECTION ONE. Ordinance 62292 is hereby repealed and in lieu thereof the following provisions are adopted.

SECTION TWO. The following definitions shall apply to the provisions of this ordinance:

1. "Church Zone" means any area within one thousand feet the real property comprising a church or synagogue as measured from the outside perimeter of such real property.
2. "Park Zone" means any area within one thousand feet of any park owned by the City of St. Louis as measured from the outside perimeter of such park.
3. "Prostitution" means the act of engaging or offering or agreeing to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;
4. "Patronizing prostitution". A person patronizes prostitution if:
 - (a) Pursuant to a prior understanding, such person gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with such person or with another; or
 - (b) such person gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with such person or with another; or
 - (c) such person solicits or requests another person to engage in sexual conduct with the solicitor or with another, or to secure a third person to engage in sexual conduct with the solicitor or with another, in return for something of value.
5. "Public Solicitation": A person commits public solicitation when while in a public street, sidewalk, alley, park or any other public place or in a place of public accommodation, or in a place that is frequented by the general public engages or offers to engage in sexual conduct with another person or a third person.
6. "School Zone" means any area within one thousand feet the real property comprising a public or private elementary or secondary school, public vocational school, or a public or private junior college, college or university as measured from the outside perimeter of such real property.
7. "Sexual conduct" occurs when there is:
 - (a) "Sexual intercourse" which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
 - (b) "Deviate sexual intercourse" which means any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or
 - (c) "Sexual contact" which means any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party.
8. "Something of value" means any money or property, or any token, object or article exchangeable for money or property.

SECTION THREE. It shall be a violation of this Ordinance for a person to commit prostitution, public solicitation or patronizing prostitution as herein defined.

SECTION FOUR. In any prosecution for prostitution, public solicitation or patronizing prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in contemplated solicited is immaterial, and it is no defense that:

- (1) Both persons were of the same sex; or
- (2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

SECTION FIVE. It shall be a violation of this ordinance for any person to be found in a place contrary to any court order

that prohibits the person from being in any specified area as a condition of release from custody, a condition of probation, parole, or other supervision involving prostitution, public solicitation or patronizing prostitution as defined in this ordinance.

SECTION SIX. PENALTY

1. Any person found to be in violation of provisions of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than ninety days (90) or to both a fine and imprisonment.

2. Prior to setting a penalty for a violation of this ordinance, the court shall determine whether the violation occurred within a School Zone, Church Zone or Park Zone as defined herein.

SECTION SEVEN. As a condition of probation, the Court shall require any person found to be in violation of Section Three of this ordinance to submit to a blood test, to be conducted under the direction of the St. Louis City Health Commissioner, for the purpose of determining the presence of any sexually transmitted disease. Cost of such testing shall be taxed to the defendant as costs in the proceeding. The report of such blood test shall be confidential and shall not be deemed a public record.

SECTION EIGHT. SEVERABILITY CLAUSE. The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION NINE. Emergency Clause. This being an Ordinance necessary for the immediate preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this Ordinance shall become effective immediately upon its passage and approval by the Mayor.

Approved: February 14, 2003

ORDINANCE #65819 Board Bill No. 423

AN ORDINANCE RECOMMENDED BY THE BOARD OF ESTIMATE AND APPORTIONMENT AUTHORIZING AND DIRECTING THE ISSUANCE BY THE CITY OF ST. LOUIS, MISSOURI OF ITS TAXABLE AIRPORT REVENUE REFUNDING BONDS, SERIES 2003B LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT, IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FORTY-FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$45,500,000), TO EFFECT THE REFUNDING OF ALL OR A PORTION OF THE CITY OF ST. LOUIS, MISSOURI TAXABLE AIRPORT REVENUE REFUNDING BONDS, SERIES 1993, LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT, AND THE CITY OF ST. LOUIS, MISSOURI TAXABLE AIRPORT REVENUE BONDS, SERIES 1993A, LAMBERT-ST. LOUIS INTERNATIONAL AIRPORT (COLLECTIVELY, THE "1993 BONDS"), THE FUNDING OF ANY REQUIRED RESERVE FUNDS AND THE PAYMENT OF CERTAIN COSTS OF ISSUANCE; SETTING FORTH CERTAIN TERMS AND CONDITIONS FOR THE ISSUANCE OF SUCH BONDS; APPOINTING A TRUSTEE, A BOND REGISTRAR AND PAYING AGENT IN CONNECTION WITH SUCH BONDS; APPOINTING AN ESCROW AGENT IN CONNECTION WITH THE REFUNDING OF THE 1993 BONDS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE ELEVENTH SUPPLEMENTAL INDENTURE OF TRUST; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS AND THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT; AUTHORIZING THE PREPARATION, EXECUTION AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT AND THE OFFICIAL STATEMENT AND THE PREPARATION, EXECUTION AND DELIVERY OF THE CONTINUING DISCLOSURE AGREEMENT, THE ESCROW AGREEMENT AND OTHER MATTERS WITH RESPECT THERETO; AUTHORIZING THE NEGOTIATION AND PURCHASE OF CREDIT ENHANCEMENT, IF ANY, AND CREDIT FACILITIES FOR ANY REQUIRED RESERVE FUNDS, IF ANY, AND THE APPROVAL AND EXECUTION OF DOCUMENTS NECESSARY TO COMPLY WITH THE DUTIES OF THE CITY UNDER ANY AGREEMENT FOR CREDIT ENHANCEMENT, IF ANY, AND A CREDIT FACILITY FOR ANY REQUIRED RESERVE FUNDS; AUTHORIZING THE PROPER OFFICIALS, AGENTS AND EMPLOYEES OF THE CITY TO EXECUTE SUCH DOCUMENTS AND TO TAKE SUCH ACTIONS AS ARE NECESSARY OR APPROPRIATE; REPEALING ORDINANCES OF THE CITY TO THE EXTENT INCONSISTENT WITH THE TERMS HEREOF; AND CONTAINING SEVERABILITY CLAUSES.

WHEREAS, The City of St. Louis, Missouri (the "City"), owns an airport known as Lambert-St. Louis International Airport (the "Airport") which is operated by the Airport Authority of the City;

WHEREAS, pursuant to Article VI, Section 27 of the Constitution of the State of Missouri, as amended, the City has

financed the purchase, construction, extension and the improvement of the Airport by the issuance of \$178,000,000 of its airport revenue bonds (the "Outstanding Obligations") pursuant to its ordinances numbered 51342, 54813, 55647, 57110, 57613, 58328 and 58761 (the "Outstanding Obligations Ordinances");

WHEREAS, on November 29, 1984, the City issued, under and pursuant to an Indenture of Trust, dated as of October 15, 1984, as theretofore amended and supplemented (the "Original Indenture"), \$167,095,000 aggregate principal amount of its Airport Revenue Bonds, Series 1984 (the "Refunded Series 1984 Bonds") for the purpose of, among other things, defeasing the Outstanding Obligations;

WHEREAS, on August 4, 1987, the City issued \$52,000,000 of its airport revenue bonds pursuant to a First Supplemental Indenture dated as of July 1, 1987 between the City and the Trustee (the "Refunded Series 1987 Bonds") for the purpose of financing the construction, improvement, expansion and equipping of certain Airport property;

WHEREAS, on November 5, 1991, the qualified electors of the City approved the issuance by the City of airport revenue bonds in the amount of \$1,500,000,000 for the purpose of paying the costs of purchasing, constructing, extending and improving airports to be owned by the City (the "Voter Approval");

WHEREAS, pursuant to Section 3 of Article XVII of the St. Louis City Charter, refunding bonds do not count against the \$1,500,000,000 of bonds authorized pursuant to the Voter Approval;

WHEREAS, on November 25, 1992, the City issued \$109,125,000 of airport revenue bonds pursuant to a Second Supplemental Indenture dated as of November 15, 1992 between the City and the Trustee (the "Series 1992 Bonds") for the purpose of providing funds (i) to refund the Lambert-St. Louis International Airport Corporation's Lease Revenue Bonds (Noise Mitigation Project) Series 1990 which had provided funds for the acquisition of land in connection with the Airport noise abatement program and (ii) for further land acquisition, airfield improvements and expansion of the terminal facility and related improvements;

WHEREAS, on September 9, 1993, the City issued \$121,720,000 of taxable airport revenue bonds pursuant to a Third Supplemental Indenture dated as of August 1, 1993 between the City and the Trustee (the "Taxable Series 1993 Refunding Bonds") for the purpose of refunding the Refunded Series 1984 Bonds;

WHEREAS, on December 14, 1993, the City issued \$65,405,000 of taxable airport revenue bonds pursuant to a Fourth Supplemental Indenture dated as of December 1, 1993 between the City and the Trustee (the "Taxable Series 1993A Bonds") for the purpose of financing the cost of purchasing the leasehold interests of certain property of Trans World Airlines, Inc.;

WHEREAS, on April 10, 1996, the City issued \$37,760,000 of airport revenue bonds pursuant to a Fifth Supplemental Indenture dated as of April 1, 1996 between the City and the Trustee (the "Series 1996 Bonds") for the purpose of refunding the Refunded Series 1987 Bonds;

WHEREAS, on September 10, 1997, the City issued \$40,420,000 of airport revenue bonds Series 1997A, and \$159,185,000 of airport revenue bonds Series 1997B, pursuant to a Sixth Supplemental Indenture dated as of August 1, 1997 between the City and the Trustee (the "Series 1997 Bonds") for the purpose of funding certain capital improvements;

WHEREAS, on December 17, 1998, the City issued \$69,260,000 of airport revenue bonds pursuant to a Seventh Supplemental Indenture dated as of December 1, 1998 between the City and the Trustee (the "Series 1998 Bonds") for the purpose of refunding a portion of the Series 1992 Bonds;

WHEREAS, on August 2, 2000, the City issued \$87,165,000 of its Letter of Intent Double Barrel Revenue Bonds, Series 2000 (Lambert-St. Louis International Airport Project) (the "LOI Bonds") pursuant to a Trust Indenture dated as of July 15, 2000 between the City and UMB Bank, as trustee, for the purpose of financing the acquisition of certain land adjacent to the Airport and the construction of certain improvements;

WHEREAS, on May 15, 2001, the City issued \$435,185,000 of Airport Revenue Bonds, Series 2001A (Airport Development Program) pursuant to an Eighth Supplemental Indenture dated as of May 1, 2001 between the City and the Trustee (the "Series 2001 Bonds") for the purpose of acquiring certain land located adjacent to the Airport and funding certain capital improvements at the Airport;

WHEREAS, on December 19, 2002, the City issued \$117,985,000 of Airport Revenue Bonds, Series 2002 (the "Series 2002 Bonds") pursuant to a Ninth Supplemental Indenture, dated as of December 1, 2002, between the City and the Trustee (the "Series 2002 Bonds") for the purpose of funding certain capital improvements at the Airport;

WHEREAS, on December 6, 2002, the City authorized the issuance of a maximum of \$80,000,000 aggregate principal amount of Airport Revenue Refunding Bonds, Series 2003 (the "Series 2003A Refunding Bonds"), pursuant to a Tenth Supplemental Indenture to be entered into between the City and the Trustee for the purpose of refunding the LOI Bonds and to pay capitalized interest and certain expenses related thereto, which Series 2003A Refunding Bonds have not yet been issued as of the date hereof;

WHEREAS, the City is authorized under the Constitution and laws of the State of Missouri to issue, sell and negotiate its interest-bearing revenue bonds for the purpose of financing all or a part of the costs of purchasing, constructing, extending or improving airports;

WHEREAS, the City has determined that it is in the best interest of the City to effect debt service savings by issuing the Taxable Airport Revenue Refunding Bonds, Series 2003B, Lambert-St. Louis International Airport (the "Taxable Series 2003B Refunding Bonds") to provide funds to refund all or a portion of the outstanding Taxable Series 1993 Refunding Bonds and the Taxable Series 1993A Bonds (collectively, the "1993 Bonds"), to pay the costs associated with issuing the Taxable Series 2003B Refunding Bonds, and to fund a debt service reserve account, if required, the City is now prepared to issue and sell its Taxable Series 2003B Refunding Bonds in an aggregate principal amount not to exceed Forty-Five Million Five Hundred Thousand Dollars (\$45,500,000) in one or more series the proceeds of which, together with other available funds, if any, will be used for the purposes described herein;

WHEREAS, the Original Indenture has been amended and supplemented pursuant to (i) the First Supplemental Indenture, dated as of July 1, 1987, between the City and Mercantile Trust Company National Association, as predecessor in interest to State Street Bank & Trust Company of Missouri, N.A., as predecessor to UMB Bank, N.A. (formerly UMB Bank of St. Louis, N.A.) (the "Trustee"), (ii) the Second Supplemental Indenture of Trust, dated as of November 15, 1992, between the City and the Trustee (the "Second Supplemental Indenture"), (iii) the Third Supplemental Indenture of Trust, dated as of August 1, 1993, between the City and the Trustee, (iv) the Fourth Supplemental Indenture of Trust, dated as of November 1, 1993, between the City and the Trustee, (v) the Fifth Supplemental Indenture of Trust, dated as of April 1, 1996, between the City and the Trustee and (vi) the Sixth Supplemental Indenture of Trust, dated as of August 1, 1997, between the City and the Trustee (collectively, the "Prior Supplemental Original Indentures");

WHEREAS, the Original Indenture was further amended and restated by the Amended and Restated Indenture of Trust, dated as of September 10, 1997 (the "Amended Indenture") which superseded the Original Indenture and consolidated all of the amendments to the Original Indenture into the Amended Indenture;

WHEREAS, the Amended Indenture has been further amended and supplemented pursuant to (i) the Seventh Supplemental Indenture of Trust (the "Seventh Supplemental Indenture"), dated as of December 1, 1998, between the City and the Trustee pursuant to which the Series 1998 Bonds were issued in the principal amount of \$69,260,000, (ii) the Eighth Supplemental Indenture of Trust (the "Eighth Supplemental Indenture"), dated as of May 1, 2001, between the City and the Trustee, pursuant to which the Series 2001 Bonds were issued in the principal amount of \$435,185,000, and (iii) the Ninth Supplemental Indenture of Trust (the "Ninth Supplemental Indenture"), dated as of December 1, 2002, between the City and the Trustee, pursuant to which the Series 2002 Bonds were issued in the principal amount of \$117,985,000;

WHEREAS, the Amended Indenture is expected to be further amended and supplemented pursuant to the Tenth Supplemental Indenture of Trust (the "Tenth Supplemental Indenture") between the City and the Trustee pursuant to which the Series 2003A Refunding Bonds have been authorized to be issued (such Tenth Supplemental Indenture, together with the Seventh Supplemental Indenture, the Eighth Supplemental Indenture and the Ninth Supplemental Indenture are referred to as the "Supplemental Amended Indentures"; the Original Indenture, as amended and supplemented by the Prior Supplemental Original Indentures, the Amended Indenture and the Supplemental Amended Indentures are referred to collectively herein as the "Restated Indenture");

WHEREAS, the Taxable Series 2003B Refunding Bonds shall be issued and secured under and pursuant to the Restated Indenture, as supplemented, including particularly the Eleventh Supplemental Indenture of Trust between the City and the Trustee (the "Eleventh Supplemental Indenture"; the Restated Indenture, as supplemented by the Eleventh Supplemental Indenture, is collectively referred to herein as the "Indenture") as hereinafter approved;

WHEREAS, it is necessary for the City to enter into the Eleventh Supplemental Indenture, the Bond Purchase Agreement (as hereinafter defined), the Escrow Agreement (as hereinafter defined), the Continuing Disclosure Agreement (as hereinafter defined) and certain other agreements in connection with the issuance of the Taxable Series 2003B Refunding Bonds and the refunding of the 1993 Bonds; and

WHEREAS, the Taxable Series 2003B Refunding Bonds shall state that the Taxable Series 2003B Refunding Bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation and the taxing power of the City is not pledged to the payment of the principal of, premium, if any, or interest on the Taxable Series 2003B Refunding Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:

Section One. Authorization of the Taxable Series 2003B Refunding Bonds.

The City does hereby authorize and direct the issuance of the Taxable Series 2003B Refunding Bonds to refund all or a portion of the 1993 Bonds and does hereby find and declare that this Ordinance is being enacted pursuant to the laws of the State of Missouri, including particularly Chapter 108, Missouri Revised Statutes, 1994, as amended, and that the issuance of the Taxable Series 2003B Refunding Bonds is for the public purposes set forth in the recitals to this Ordinance.

Section Two. Maximum Principal Amount, Purpose and Terms and Provisions of the Taxable Series 2003B Refunding Bonds.

The Board of Aldermen, acting as the governing authority of the City, does hereby authorize the City to issue the Taxable Series 2003B Refunding Bonds in one or more series in an aggregate principal amount not to exceed Forty-Five Million Five Hundred Thousand Dollars (\$45,500,000). The proceeds of the Taxable Series 2003B Refunding Bonds will, together with other available

funds, if any, be used to refund all or a portion of the 1993 Bonds, to fund any required reserve funds, and to pay certain costs of issuance of the Taxable Series 2003B Refunding Bonds. Subject to the terms of this Ordinance, the City hereby authorizes and directs the Mayor and the Comptroller of the City in the exercise of their sole discretion to determine and establish the aggregate principal amount and the other terms and conditions of the Taxable Series 2003B Refunding Bonds.

Section Three. Source of Repayment; Security; Pledge.

The Taxable Series 2003B Refunding Bonds shall be secured and payable, both as to principal, premium, if any, and interest, solely from proceeds of the Taxable Series 2003B Refunding Bonds, certain funds established pursuant to the Indenture, and the pledge of Revenues derived from the operation of the Airport, as set forth in the Indenture, as amended from time to time (collectively, the "Revenues"). The rights of the owners of the Taxable Series 2003B Refunding Bonds to the Revenues shall be subject and subordinate to the rights of the holders of the Outstanding Obligations under the Outstanding Obligations Ordinances and subject to the application of the proceeds of the Taxable Series 2003B Refunding Bonds and the Revenues to the purposes and on the conditions permitted by the Indenture. Upon the issuance and sale of the Taxable Series 2003B Refunding Bonds, and subject to the prior rights of the holders of the Outstanding Obligations (described in the preceding sentence), the Revenues shall be and are hereby pledged to the payment of the Taxable Series 2003B Refunding Bonds, on a parity with all outstanding Bonds, including the Series 2003A Refunding Bonds which are expected to be issued simultaneously with the Taxable Series 2003B Refunding Bonds, as provided in the Indenture. The Taxable Series 2003B Refunding Bonds shall be limited obligations of the City payable solely from Revenues and shall not be deemed to be an indebtedness of the State of Missouri, the City or of any political subdivision thereof, and shall not be deemed to be an indebtedness within the meaning of any constitutional or statutory limitation upon the incurring of indebtedness.

The Taxable Series 2003B Refunding Bonds shall be issued in one or more series, bear such date or dates, mature at such time or times (not exceeding thirty (30) years from their date of issuance), bear interest at such rate or rates (not exceeding limitations set forth herein) and be subject to redemption at such time or times as shall be approved by the Mayor and the Comptroller of the City and provided for in the Eleventh Supplemental Indenture as executed and delivered by the City. The Taxable Series 2003B Refunding Bonds shall be issuable in such denominations, be in fully registered form without coupons, carry such registration and exchange privileges, and be payable in such medium of payment and at such place or places as the Indenture may provide.

Section Four. Appointment of Trustee, Bond Registrar, Paying Agent and Escrow Agent.

UMB Bank, N.A. is hereby appointed Trustee, Bond Registrar and Paying Agent for the Taxable Series 2003B Refunding Bonds under the Indenture. Such appointment will be effective immediately upon the execution and filing of the Eleventh Supplemental Indenture with the Trustee.

Section Five. Authority to Prepare, Execute and Deliver the Eleventh Supplemental Indenture.

The Mayor and the Comptroller of the City are hereby authorized and directed to prepare, execute, acknowledge and deliver the Eleventh Supplemental Indenture, with terms that may include, but not be limited to, the payment terms of the Taxable Series 2003B Refunding Bonds, the creation of various funds and/or accounts relating to the Taxable Series 2003B Refunding Bonds, terms providing for the security for the Taxable Series 2003B Refunding Bonds, a covenant prohibiting the City from transferring the operation of the Airport to an entity other than the City or the Airport Authority, and terms relating to the refunding of the 1993 Bonds, the same to be attested by the Register of the City, with such changes therein as shall be approved by such persons executing such document, such persons' execution to constitute conclusive evidence of such approval, and the Register is hereby authorized to affix to the Eleventh Supplemental Indenture the corporate seal of the City. The Eleventh Supplemental Indenture will be effective immediately upon the filing of the Eleventh Supplemental Indenture with the Trustee.

Section Six. Execution of Taxable Series 2003B Refunding Bonds.

The Taxable Series 2003B Refunding Bonds shall be executed on behalf of the City in the manner provided in the Eleventh Supplemental Indenture. If any of the officers who shall have signed or sealed any of the Taxable Series 2003B Refunding Bonds shall cease to be such officers of the City before the Taxable Series 2003B Refunding Bonds so signed and sealed shall have been actually authenticated by the Trustee, or delivered by the City, such Taxable Series 2003B Refunding Bonds nevertheless may be authenticated, issued and delivered with the same force and effect as though the person or persons who signed or sealed such Taxable Series 2003B Refunding Bonds had not ceased to be such officer or officers of the City; and also any such Taxable Series 2003B Refunding Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Taxable Series 2003B Refunding Bonds, shall be the proper officers of the City, although at the dated date of such Taxable Series 2003B Refunding Bonds any such person shall not have been such officer of the City.

Section Seven. Manner of Sale of the Taxable Series 2003B Refunding Bonds; Application of Proceeds of the Taxable Series 2003B Refunding Bonds.

The Taxable Series 2003B Refunding Bonds may be sold at the best price obtainable at a negotiated sale as the Comptroller shall determine in her sole discretion, subject to the terms of this Ordinance and to the interest rate and par value limitations set forth in Chapter 108.170, Missouri Revised Statutes, 1994, as amended. The proceeds from the sale of the Taxable Series 2003B Refunding Bonds shall be applied by the City simultaneously with the delivery of the Taxable Series 2003B Refunding Bonds in accordance with the provisions of the Eleventh Supplemental Indenture and the Escrow Agreement.

Section Eight. Execution and Delivery of a Bond Purchase Agreement.

In connection with a negotiated sale of the Taxable Series 2003B Refunding Bonds, the City hereby authorizes and directs the Mayor and the Comptroller to enter into a Bond Purchase Agreement (the "Bond Purchase Agreement") with the purchaser or purchasers of the Taxable Series 2003B Refunding Bonds (the "Underwriters"), which purchaser or purchasers will be led by a senior managing underwriter (the "Managing Underwriter"), such Bond Purchase Agreement to set forth the terms of sale and to contain such other customary terms and provisions as the Mayor and the Comptroller shall approve, the Mayor's and the Comptroller's execution of the Bond Purchase Agreement to constitute conclusive evidence of such approval. The Taxable Series 2003B Refunding Bonds are hereby authorized to be sold to the Underwriters pursuant to the Bond Purchase Agreement.

Section Nine. Execution and Delivery of an Escrow Agreement.

In connection with the application of the proceeds of the Taxable Series 2003B Refunding Bonds towards the refunding of the 1993 Bonds, the City hereby authorizes and directs the Mayor and the Comptroller to enter into an Escrow Agreement (the "Escrow Agreement") with the Escrow Agent, such Escrow Agreement to provide for the investment of the proceeds of the Taxable Series 2003B Refunding Bonds and the application of such amounts to the payment of the 1993 Bonds.

Section Ten. Official Statement and Continuing Disclosure Agreement.

The Mayor and the Comptroller of the City with the advice and concurrence of the City Counselor, in connection with the public offering of the Taxable Series 2003B Refunding Bonds, are hereby authorized to prepare a Preliminary Official Statement for and on behalf of the City containing such disclosure and other matters deemed material, necessary or appropriate, as the Mayor and the Comptroller shall deem advisable. The Mayor and the Comptroller are hereby authorized to deliver certifications to the effect that the Preliminary Official Statement and the final Official Statement, together with such other documents, if any, described in such certificates, were deemed final as of their respective dates for the purposes of Rule 15c2-12 of the Securities and Exchange Commission ("Rule 15c2-12"). The Mayor and the Comptroller are each hereby authorized to make public and to permit the Underwriters and the financial advisors to use and distribute the Preliminary Official Statement in connection with the sale of the Taxable Series 2003B Refunding Bonds. The Mayor and Comptroller, with the advice and concurrence of the City Counselor in connection with the public offering of the Taxable Series 2003B Refunding Bonds, are each hereby authorized and directed to prepare, execute and deliver a final Official Statement for and on behalf of the City, and the Mayor and the Comptroller are hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") between the City and the Trustee in a form necessary for the Underwriters to comply with Rule 15c2-12.

Section Eleven. Acquisition of Credit Enhancement; Acquisition of Credit Facility to fund any Required Reserve Funds.

Upon the recommendation of the Managing Underwriter and the financial advisor to the City with respect to the Taxable Series 2003B Refunding Bonds, based upon a cost-benefit analysis, the Comptroller is hereby authorized to negotiate and approve the terms of any agreement for credit enhancement and to purchase credit enhancement with respect to the Taxable Series 2003B Refunding Bonds from one or more recognized providers of credit enhancement with respect to all or a portion of the Taxable Series 2003B Refunding Bonds and to execute any agreement for credit enhancement with respect to the Taxable Series 2003B Refunding Bonds and other documents in connection therewith as necessary to obtain credit enhancement with respect to the Taxable Series 2003B Refunding Bonds. The fees payable with respect to any credit enhancement acquired for the Taxable Series 2003B Refunding Bonds shall be payable out of the proceeds thereof as a cost of issuance.

Upon the recommendation of the Managing Underwriter and the financial advisor to the City with respect to the Taxable Series 2003B Refunding Bonds, based upon a cost-benefit analysis, the Comptroller is hereby authorized to negotiate and approve the terms of any agreement for a credit facility for any reserve fund with respect to the Taxable Series 2003B Refunding Bonds and to purchase a credit facility for any reserve fund with respect to the Taxable Series 2003B Refunding Bonds from one or more recognized providers of credit facilities and to execute any agreement for a credit facility and other documents therewith as necessary to obtain a credit facility for any reserve fund with respect to the Taxable Series 2003B Refunding Bonds. The fees payable with respect to any credit facility acquired for any reserve fund for the Taxable Series 2003B Refunding Bonds shall be payable out of the proceeds thereof as a cost of issuance.

Section Twelve. Authorized Officials; Further Authority.

The Mayor, the Comptroller, the Treasurer, the Register and other appropriate officers, agents and employees of the City, with the advice and concurrence of the City Counselor, are hereby authorized and empowered to execute and deliver the Taxable Series 2003B Refunding Bonds, the Eleventh Supplemental Indenture, the Bond Purchase Agreement, the Escrow Agreement, the Continuing Disclosure Agreement, any investment or related agreements, and all documents and other instruments which may be required under the terms of the Indenture, the Bond Purchase Agreement, the Escrow Agreement, the Preliminary Official Statement, the Official Statement, the Continuing Disclosure Agreement, any agreement for credit enhancement and/or a credit facility or other documents in connection therewith as necessary to obtain credit enhancement and/or a credit facility, and this Ordinance, including, without limitation, applications, notices and other forms required to qualify the Taxable Series 2003B Refunding Bonds for sale under state securities or "Blue Sky" laws. Any of the foregoing documents may be combined with the related documents prepared in connection with the Series 2003A Refunding Bonds. The Mayor, the Comptroller, the Treasurer, the Register and other appropriate officers, agents and employees of the City, with the advice and concurrence of the City Counselor, are hereby authorized and empowered to execute such documents and to take such actions as are necessary or appropriate in connection with the issuance and sale of the Taxable Series 2003B Refunding Bonds and the consummation of the transactions contemplated hereby.

Section Thirteen. Repeal of Conflicting Ordinances.

Subject to the rights of the holders of the Outstanding Obligations to a prior pledge of the revenues of the Airport, all provisions of other Ordinances of the City which are in conflict with this Ordinance, the Eleventh Supplemental Indenture approved hereby (as executed and delivered) or the Indenture shall be of no further force or effect on the City upon issuance and sale of the Taxable Series 2003B Refunding Bonds.

Section Fourteen. Severability.

The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be illegal or unconstitutional, the remaining sections of this Ordinance are valid unless the court finds the valid sections of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the void section that it cannot be presumed that the Board of Aldermen would have enacted the valid sections without the void sections; or unless the court finds the valid sections, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

Approved: February 22, 2003

**ORDINANCE #65820
Board Bill No. 295**

An ordinance pertaining to city parks; renaming "Eternal Flame Park" located in city block 499, bounded on 15th Street on the west, 14th Street on the east, Pine Street on the north and Chestnut Street on the south, as "American Legion Memorial Park".

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The city owned property in city block 499, bounded on 15th Street on the west, 14th Street on the east, Pine Street on the north and Chestnut Street on the south, is hereby renamed "American Legion Memorial Park".

Approved: February 22, 2003

**ORDINANCE #65821
Board Bill No. 322**

An ordinance approving a Redevelopment Plan for the 4138-50, 4439, 4445, & 4455-59 West Florissant Avenue Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated October 22, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is partly occupied and the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 4138-50, 4439, 4445, & 4455-59 West Florissant Avenue Redevelopment Area", dated October 22, 2002, consisting of a Title Page, a Table of Contents Page, and eighteen (18) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 4138-50, 4439, 4445, & 4455-59 West Florissant Avenue Redevelopment Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Blighting Study and Plan for the Area, dated October 22, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

SECTION NINE. The property within the Area is partly occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the

improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

4138-50, 4439, 4445, & 4455-59 WEST FLORISSANT AVENUE AREA LEGAL DESCRIPTIONS

1. 4138-50 West Florissant Avenue: CB 3548 West Florissant, 143 ft. 3-3/8 in. by 62 ft. Plymouth Pk. 2nd Add'n., lot n – 1 **(3548-00-00240)**
2. 4439 West Florissant Avenue: CB 4399 W. Florissant, 106 .10 ft./105 ft. by 204.11 ft./185 ft. inc. vac. St of O'Fallon Est. Add'n., bnd s. by block line. **(4399-00-00030)**
3. 4445 West Florissant Avenue: CB 4399 W. Florissant 110 ft. 8-1/2 in. by 104 ft. 6-3/4 in. by 270 ft./240 ft. of O'Fallon Est. Add'n., bnd. N – Newstead, inv. Co e – City of St. Louis s – King w – w florissant. **(4399-00-00040)**
4. 4455 West Florissant Avenue: CB 4399 W. Florissant, 110 ft. 8 in. by 105 ft. by 305 ft. by 260 ft. ml O'Fallon Add'n., bnd w – 270 ft. ml of the el of e Taylor. **(4399-00-00050)**

EXHIBIT "B"
Form: 10/17/02

BLIGHTING STUDY AND PLAN FOR THE 4138-50, 4439, 4445, & 4455-59 WEST FLORISSANT AVENUE AREA PROJECT #9477 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY OF THE CITY OF ST. LOUIS OCTOBER 22, 2002

MAYOR
FRANCIS G. SLAY

BLIGHTING STUDY AND PLAN FOR THE 4138-50, 4439, 4445, & 4455-59 WEST FLORISSANT AVENUE AREA

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A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 4138-50, 4439, 4445, & 4455-59 West Florissant Avenue Redevelopment Area ("Area") consists of four unoccupied commercial parcels totalling approximately 2 acres in the O'Fallon neighborhood of the City of St. Louis ("City"). The property at 4138 West Florissant Avenue is in the block bounded by Rosalie Street on the south, Fair Avenue on the west, West Florissant Avenue on the north and Adelaide Avenue on the east. The properties at 4439, 4445 and 4455-59 West Florissant Avenue are in the block bounded by West Florissant Avenue on the south, Taylor Avenue on the west, and O'Fallon Park on the north and east.

The legal description for the area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises portions of City Blocks 3548 and 4399 and is in poor condition. The physical conditions

within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 10% unemployment rate for the City as of June, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently five jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the area include one vacant lot, two unoccupied commercial parcels in poor condition and one occupied commercial parcel in poor condition.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are generally residential, commercial and institutional. Residential density for the O'Fallon neighborhood is approximately 18.95 persons per acre.

5. CURRENT ZONING

The Area is zoned "D" Multiple-Family Dwelling & "F" Neighborhood Commercial Districts pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partly occupied and in poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the redevelopment of these underutilized parcels.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential and commercial uses permitted in Areas designated "D" Multiple-Family Dwelling and "F" Neighborhood Commercial Districts by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "D" Multiple-Family Dwelling and "F" Neighborhood Commercial Districts. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") and any other person or entity seeking an occupancy permit for a new use after the effective date of the ordinance approving the Plan shall not be permitted to use said property for the following:

hotels, motels, pawn shops, adult bookstores, x-rated movie houses, massage establishments, title loan companies, auto and truck dealers (new or used), storefront churches, auto and truck painting and window tinting, auto parts, salvage or supplies, child care facilities or day care centers, secondhand or junk shops, tattoo parlors, truck or other equipment rentals requiring outside storage, for-profit blood donor facilities, inside storage of any kind, free standing package liquor stores, establishments selling or providing liquor and not having gross sales of at least 65% from food items at that location, exterior telephones, check cashing centers, any use, (except for financial institutions) that utilizes a sales or service window or facility for customers who are in cars, or restaurants that sell products to customers who are in cars or who consume the sold products in cars parked on the restaurant premises, or sell products through a sales window to customers who are in cars or to pedestrians outside the building for immediate consumption by the customer either on or off the premises, open storage, automobile service facilities, motor fuel pumping stations, detailing or car washes, dyeing and cleaning works, private clubs and lodges, rooming and boarding houses, utility stations, utility towers, open storage, barber, beauty and nail shops and beeper and pager shops. No mini marts or grocery stores of less than 10,000 square

feet may operate within the Area. Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "D" Multiple-Family Dwelling and "F" Neighborhood Commercial Districts. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

An unknown number of new jobs may be created if the Area is developed in accordance with this Plan.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. URBAN DESIGN

a. **Urban Design Objectives**

New Construction

All new construction shall be at least one and a half stories in height, except commercial buildings may be one story in height if roofs or parapets add height and give the impression of a taller building. Materials on all facades shall be compatible with the existing materials used in surrounding structures and the general high style character of surrounding buildings. Any new construction in the Area shall be built exclusively of brick masonry, stone, stucco with terra cotta and wood used for trim and other architectural features.

The properties shall be rehabilitated so they are attractive commercial/residential structures within the surrounding neighborhood. Any new construction shall complement surrounding structures in terms of design and materials.

A more cohesive Area shall be achieved by:

- (1) Requiring retained, rehabilitated structures to closely adhere to their original exteriors in terms of design and, where suitable, materials and with compatible window and door shapes and detailing. Requiring new structures to be compatible with well designed surrounding structures in terms of exterior finish materials and colors, massing, setbacks, etc. Prohibiting exterior window or door bars and interior non-retractable bars.
- (2) Requiring deteriorating or poorly maintained building facades, porches, and garages to be repaired and repainted along with removal of weeds, litter and debris.
- (3) Preparing a study and accompanying detailed block-by-block streetscape drawings of the blocks of relatively concentrated commercial properties to guide rehabilitation of existing structures in terms of facade, signage, awning and landscaping considerations and to

similarly guide construction of new structures.

- (4) Upgrading/replacing damaged or inappropriate fencing. Requiring any new fencing on the properties to be wrought iron and privacy fencing to be a good quality, board type.
- (5) Re-opening or more suitably sealing boarded openings.
- (6) Repairing/replacing damaged sidewalks, driveways, parking lots and walkways.
- (7) Attractively landscaping front and rear yards and tree lawns. Requiring existing sparsely or poorly landscaped commercial properties to be upgraded.
- (8) Upgrading street "furniture".

b. Urban Design Regulations

Rehabilitation of the existing structures shall respect the original exteriors in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design of the buildings.

c. Landscaping

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

9. **PARKING REGULATIONS**

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

All permanent at-grade parking areas shall be screened on street-facing sides with a decorative wall and/or fence of masonry, cast metal, wrought iron or a combination thereof, with eight foot masonry piers capped with appropriate stone material located at gates, corners, and every twenty-five (25) feet along the perimeter. All such cast metal or wrought iron fencing must be planted with a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and which is maintained at a minimum height of three and one-half (3-1/2) feet at maturity.

If parking lots exceed twenty (20) spaces, three percent (3%) of the interior of the parking lots shall be landscaped with trees, at least two and one-half (2-1/2) inch caliper in size on planting. These trees shall be planted on islands, the largest dimension of which shall be at least five (5) feet, planted with low lying ground cover or other plant material.

10. **SIGN REGULATIONS**

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. A uniform signage plan must be prepared by the Redeveloper for the entire project. All new signs shall be restricted to those identifying the names and/or business of the person or firm occupying the premises. No advertising signs shall be permitted.

New wall signs shall not obstruct any architectural building elements, shall be placed only those sides of buildings fronting on public or private streets, shall project no more than eighteen (18) inches from the face of the building, shall not extend above the second floor window sill of the structure, and the total sign area shall be the lesser of either fifty (50) square feet or ten percent (10%) of the ground floor wall surface fronting on such streets. Only one sign per business per wall facing on a public or private street shall be permitted. In addition, one identification sign up to ten (10) sq. ft. in size may be placed on a wall facing a parking area or open space, provided the LCRA confirms that such a sign is required.

Canvas awnings with signs are permitted, provided they are compatible with the overall design and architectural details of the building upon which they are to be placed. Signage on awnings is limited to awning valance. In no case shall signage be allowed on both an awning valance and a building for the same business.

Painted wall signs, roof signs, pole signs, moving signs, animated or flashing signs, or permanent or portable message board signs shall not be permitted in the Area, and no regular or mini billboards (free standing or mounted on structures) shall be erected or maintained in the Area.

One ground or monument sign per use may be permitted provided it does not exceed eight (8) feet in height nor

exceed fifty (50) square feet per side, and provided the LCRA confirms that such a sign is required based upon the use, location or siting of the structure.

Businesses having more than 40,000 square feet of ground floor area may have signs proportionately larger than the maximum size set out in this section, provided that LCRA confirms that there is a need based upon the use, location, or siting of the building.

New outdoor advertising devices (billboards) as defined in ordinance 59979, approved 7/30/86, or as amended, are not permitted. Outdoor advertising devices existing at the time of the effective date of this ordinance shall be removed within five (5) years from the effective date of this ordinance, said requirements to be enforced by the Building Division.

Construction and leasing signs may be maintained during construction and for a period of one (1) year after completion of improvements on any respective parcel or part thereof.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately ten (10) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may acquire any property in the Area through negotiation and no property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the area is currently partly occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 -99.715, Revised Statutes of Missouri 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper,

which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan. This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

4138-50, 4439, 4445, & 4455-59 WEST FLORISSANT AVENUE AREA LEGAL DESCRIPTIONS

1. 4138-50 West Florissant Avenue: CB 3548 West Florissant, 143 ft. 3-3/8 in. by 62 ft. Plymouth Pk. 2nd Add'n., lot n – 1 **(3548-00-00240)**
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3. 4445 West Florissant Avenue: CB 4399 W. Florissant 110 ft. 8-1/2 in. by 104 ft. 6-3/4 in. by 270 ft./240 ft. of O'Fallon Est. Add'n., bnd. N – Newstead, inv. Co e – City of St. Louis s – Kinger w – w florissant. **(4399-00-00040)**
4. 4455 West Florissant Avenue: CB 4399 W. Florissant, 110 ft. 8 in. by 105 ft. by 305 ft. by 260 ft. ml O'Fallon Add'n., bnd w – 270 ft. ml of the el of e Taylor. **(4399-00-00050)**

See attached Exhibits B, C & D

EXHIBIT E FORM: 05/26/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

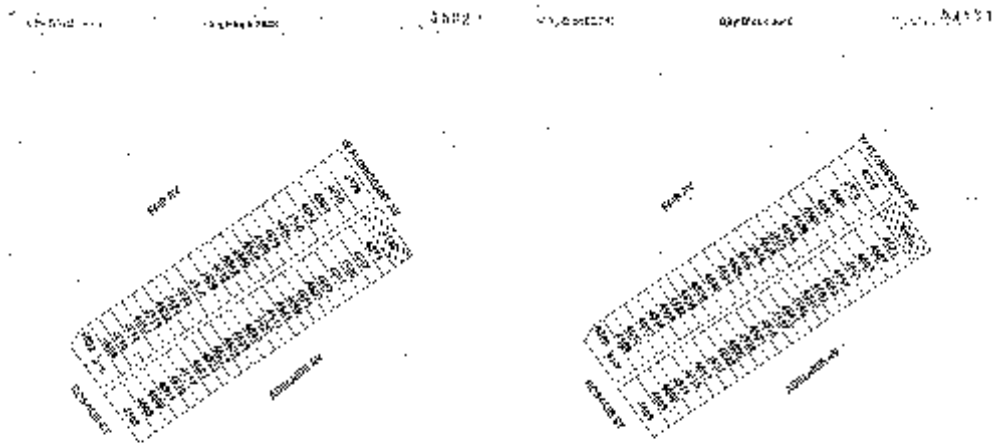
The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex,

marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance No. 60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: February 22, 2003

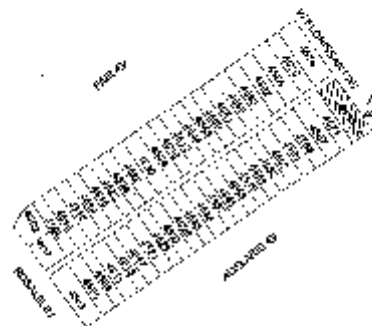
ORDINANCE NO. 65821 - CITY BLOCK 3548 - EXHIBITS B, C & D



4135-50, 4135, 444E, & 4445-50 West Horisand
Avenue Area
Exhibit B
Existing Uses & Conditions
Not Commercial/Residential, poor condition
3548 - City Block

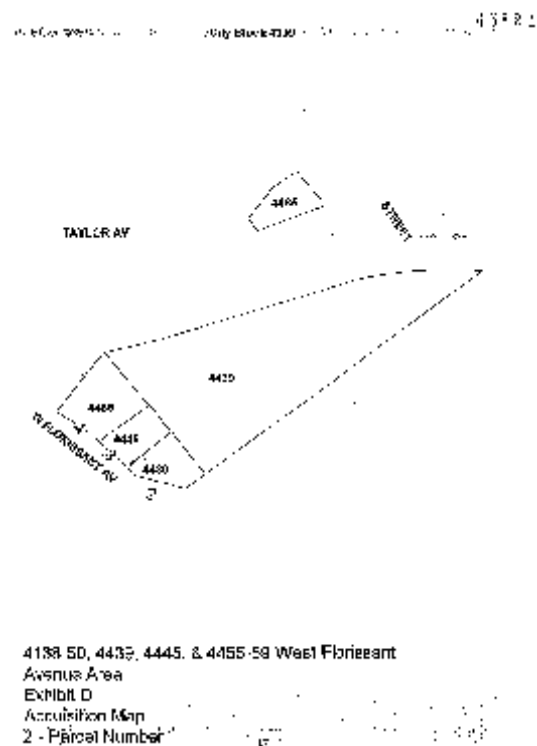
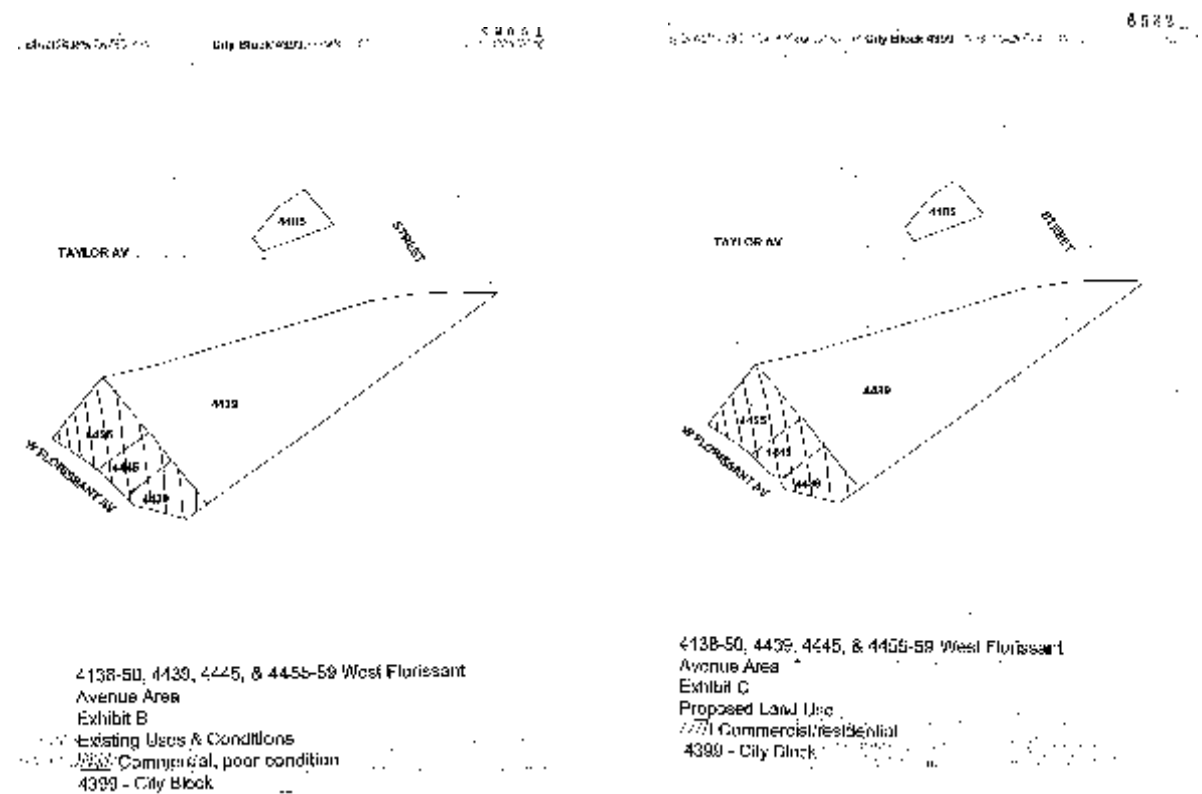
4135-50, 444E, 4445, & 4455-50 West Horisand
Avenue Area
Exhibit C
Proposed Land Use
Commercial/Residential
3548 - City Block

City Block 3548



4135-50, 4135, 444E, & 4455-50 West Horisand
Avenue Area
Exhibit D
Acquisition Map
1 - Parcel Number

ORDINANCE NO. 65821 - CITY BLOCK 4399 - EXHIBITS B, C & D



ORDINANCE #65822
Board Bill No. 331

An ordinance approving a Redevelopment Plan for the 2648 Armand Place Redevelopment Area ("Area") after finding that the Area is blighted as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), containing a description of the boundaries of said Area in the City of St. Louis ("City"), attached hereto and incorporated herein as Exhibit "A", finding that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Plan dated July 23, 2002, for the Area ("Plan"), incorporated herein by attached Exhibit "B", pursuant to Section 99.430; finding that there is a feasible financial plan for the development of the Area which affords maximum opportunity for development of the Area by private enterprise; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is unoccupied but if it should become occupied the Redeveloper shall be responsible for relocating any eligible occupants displaced as a result of implementation of the Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Plan; finding that there shall be available ten (10) year real estate tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and to exercise their respective powers in a manner consistent with the Plan.

WHEREAS, by reason of predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, there exist conditions which endanger life or property by fire or other causes and constitute an economic or social liability or a menace to the public health, safety, morals or welfare in the present condition and use of the Area, said Area being more fully described in Exhibit "A"; and

WHEREAS, such conditions are beyond remedy and control solely by regulatory process in the exercise of the police power and cannot be dealt with effectively by ordinary private enterprise without the aids provided in the Statute; and

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a land clearance project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, the LCRA has recommended such a plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Blighting Study and Plan for the 2648 Armand Place Redevelopment Area", dated July 23, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and Planning Commission of the facts and is fully aware of the conditions in the Area; and

WHEREAS, the Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. There exists within the City of St. Louis ("City") a blighted area, as defined by Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive) described in Exhibit "A", attached hereto and incorporated herein, known as the 2648 Armand Place Redevelopment Area ("Area").

SECTION TWO. The redevelopment of the above described Area, as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the Area is blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Blighting Study and Plan for the Area, dated July 23, 2002 ("Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Plan with the Minutes of this meeting.

SECTION FIVE. The Plan for the Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Plan for the Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Plan for the Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Plan for the Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may acquire no property in the Area by the exercise of eminent domain.

SECTION NINE. The property within the Area is unoccupied. If it should become occupied, all eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Twelve, below) shall be given relocation assistance by the Redeveloper at its expense, in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

SECTION TEN. The Plan for the Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be erected in the Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Plan, bona fide Minority Business Enterprises ("MBE's") and Women's Business Enterprises ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.
- (e) To comply with the requirements of Ordinance No. 60275 of the City;

(f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and

(g) That the language of this Section Thirteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control, interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control, interest in capital and earnings commensurate with their percentage of ownership. The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created. In lieu of the ten (10) year abatement outlined above, a redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement, which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of the Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Plan must be approved by the St. Louis Board of Aldermen in the same manner as the Plan was first approved. Modifications which will substantially change the Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or to other items which alter the nature or intent of the Plan. The Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

**THE 2648 ARMAND PLACE AREA
LEGAL DESCRIPTION**

CB 1381 ARMAND PLACE, 25 ft. by 125 ft., Sarpy's Add'n., lot 31. (1381-00-00040)

EXHIBIT "B"
Form: 7/12/02

BLIGHTING STUDY AND PLAN
 FOR
THE 2648 ARMAND PLACE AREA
 PROJECT #9439
 LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
 OF THE CITY OF ST. LOUIS
 JULY 23, 2002

MAYOR
 FRANCIS G. SLAY

**BLIGHTING STUDY AND PLAN FOR
 THE 2648 ARMAND PLACE AREA**

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EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
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"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The 2648 Armand Place Redevelopment Area ("Area") consists of one single-family residential building in poor condition on land totalling approximately 0.07 acre in the Fox Park Neighborhood of the City of St. Louis ("City"). The property is in the block bounded by S. Jefferson Avenue on the east, Armand Place on the north, Shenandoah Avenue on the south, and Ohio Avenue on the west.

The legal description for the area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises part of City Block 1381 and is in poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized. "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 8.6% unemployment rate for the City as of March, 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area. There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the area include one unoccupied two-family dwelling in poor condition.

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are mostly residential. Residential density for the surrounding neighborhoods is approximately 17.36 persons per acre.

5. CURRENT ZONING

The Area is zoned "C" Multiple-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is unoccupied and in poor condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well-being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the rehabilitation of this deteriorated building for residential use.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are residential uses permitted in Areas designated "C" Multiple-Family Dwelling by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall not be permitted to use said property for any use not allowed in the "C" Multiple-Family Dwelling District. Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "C" Multiple-Family Dwelling District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No permanent new jobs will be created if the Area is developed in accordance with this Plan.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

8. URBAN DESIGN

a. **Urban Design Objectives**

The property shall be rehabilitated so it is an attractive residential structure within the surrounding neighborhood.

b. **Urban Design Regulations**

Rehabilitation of the existing structure shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design of the building.

c. **Landscaping**

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees. Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs. Existing, non-scrub trees shall be retained.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

When feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT

1. ADMINISTRATION AND FINANCING

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the area is currently unoccupied. If it should become occupied, all eligible occupants

displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri 1994, as amended, upon application as provided therein. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other single local taxing district created in accordance with Missouri law, whether now existing or later created, for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof. All of the provisions of Section G shall be enforceable against

the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification which will substantially change this Plan shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the area, or other items which alter the nature or intent of this plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

THE 2648 ARMAND PLACE AREA LEGAL DESCRIPTION

CB 1381 ARMAND PLACE, 25 ft. by 125 ft., Sarpy's Add'n., lot 31. (1381-00-00040)

See attached Exhibits B, C & D

**EXHIBIT E
FORM: 05/26/99**

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redeveloper shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

The Redeveloper shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental use or occupancy of any property, or any improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance No. 60275 which is codified at Chapter 3.09 of the Revised Ordinances of the City of St. Louis.

Approved: February 22, 2003

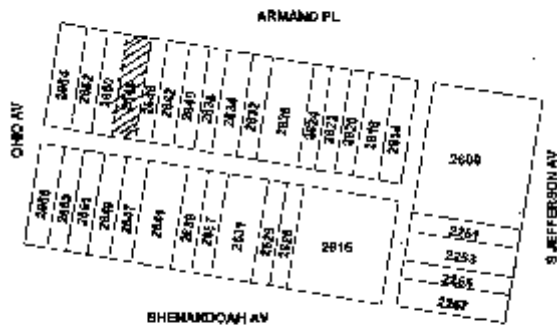
ORDINANCE NO. 65822 - EXHIBITS B, C & D

City Block 1381

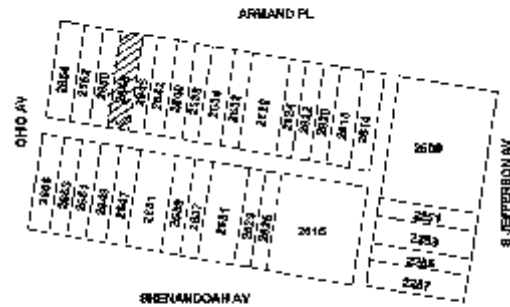
City Block 1381

City Block 1381

City Block 1381



2648 Armand Place Area
 Exhibit B - Existing Uses & Conditions
 177A Residential, poor condition
 1381 - City Block



ORDINANCE #65823
Board Bill No. 360

An ordinance affirming that the area blighted by Ordinance 63862, known as the Gilmore Scattered Sites Area ("Area") as described in Exhibit "A-1" attached hereto and incorporated by reference, is a blighted area as defined in Section 99.320 of the Revised Statutes of Missouri, 1994, as amended, (the "Statute" being Sections 99.300 to 99.715 inclusive), affirming that redevelopment and rehabilitation of the Area is in the interest of the public health, safety, morals and general welfare of the people of the City; approving the Amended Blighting Study and Plan dated November 19, 2002, ("Amended Plan"), incorporated herein by Exhibit "B" for an Amended Area ("Amended Area"), incorporated herein by Exhibit "A," pursuant to Section 99.430; finding that no property in the Area may be acquired by the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") through the exercise of eminent domain; finding that the property within the Area is currently partially occupied and the Redeveloper shall be responsible for providing relocation assistance pursuant to the Amended Plan to any eligible occupants displaced as a result of implementation of the Amended Plan; finding that financial aid may be necessary to enable the Area to be redeveloped in accordance with the Amended Plan; finding that there shall be available up to ten (10) year tax abatement; and pledging cooperation of the Board of Aldermen and requesting various officials, departments, boards and agencies of the City to cooperate and exercise their respective powers in a manner consistent with the Plan.

WHEREAS, there is a need for the LCRA, a public body corporate and politic created under Missouri law, to undertake the development of the above described Area as a Land Clearance Project under said Statute, pursuant to plans by or presented to the LCRA under Section 99.430.1 (4); and

WHEREAS, by Ordinance, this Board found the property located in the Gilmore Scattered Sites Area to be a "blighted area" as defined in Section 99.320 (3) of the Statute and said property remains blighted; and

WHEREAS, by Ordinance 63862, this Board also approved a Redevelopment Plan for the Area, dated November 19, 2002; and

WHEREAS, it is desirable and in the public interest to amend the Redevelopment Plan approved by Ordinance 63862 by approving an Amended Area; and

WHEREAS, the LCRA has recommended such an amended plan to the Planning Commission of the City of St. Louis ("Planning Commission") and to this St. Louis Board of Aldermen ("Board"), titled "Amended Blighting Study and Plan for Gilmore Scattered Sites Area ", dated May 28, 1996, amended July 28, 1998 and November 19, 2002, consisting of a Title Page, a Table of Contents Page, and thirteen (13) numbered pages, attached hereto and incorporated herein as Exhibit "B" ("Amended Plan"); and

WHEREAS, under the provisions of the Statute, and of the federal financial assistance statutes, it is required that this Board take such actions as may be required to approve the Amended Plan; and

WHEREAS, it is desirable and in the public interest that a public body, the LCRA, undertake and administer the Plan in the Amended Area; and

WHEREAS, the LCRA and the Planning Commission have made and presented to this Board the studies and statements required to be made and submitted by Section 99.430 and this Board has been fully apprised by the LCRA and the Planning Commission of the facts and is fully aware of the conditions in the Amended Area; and

WHEREAS, the Amended Plan has been presented and recommended by LCRA and the Planning Commission to this Board for review and approval; and

WHEREAS, a general plan has been prepared and is recognized and used as a guide for the general development of the City and the Planning Commission has advised this Board that the Plan conforms to said general plan; and

WHEREAS, this Board has duly considered the reports, recommendations and certifications of the LCRA and the Planning Commission; and

WHEREAS, the Amended Plan does prescribe land use and street and traffic patterns which may require, among other things, the vacation of public rights-of-way, the establishment of new street and sidewalk patterns or other public actions; and

WHEREAS, this Board is cognizant of the conditions which are imposed on the undertaking and carrying out of a redevelopment project, including those relating to prohibitions against discrimination because of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap; and

WHEREAS, in accordance with the requirements of Section 99.430 of the Statute, this Board advertised that a public hearing would be held by this Board on the Amended Plan, and said hearing was held at the time and place designated in said advertising and all those who were interested in being heard were given a reasonable opportunity to express their views; and

WHEREAS, it is necessary that this Board take appropriate official action respecting the approval of the Amended Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. The finding of the Board of Aldermen, by St. Louis Ordinance 63862, that certain property described therein (and described herein as Exhibit "A-1" attached hereto and incorporated herein) is a blighted area, as defined in Section 99.320(3) of the Revised Statutes of Missouri, 1994, as amended (the "Statute" being Section 99.300 to 99.715 inclusive, as amended) is hereby confirmed.

SECTION TWO. The redevelopment of the Amended Area as described in Exhibit "A", as provided by the Statute, is necessary and in the public interest, and is in the interest of the public health, safety, morals and general welfare of the people of the City.

SECTION THREE. The Amended Area qualifies as a redevelopment area in need of redevelopment under the provision of the Statute, and the additional property included in the Amended Area is also blighted as defined in Section 99.320 of the Statute.

SECTION FOUR. The Amended Blighting Study and Plan for the Area, amended November 19, 2002 ("Amended Plan") having been duly reviewed and considered, is hereby approved and incorporated herein by reference, and the President or Clerk of this St. Louis Board of Aldermen ("Board") is hereby directed to file a copy of said Amended Plan with the Minutes of this meeting.

SECTION FIVE. The Amended Plan for the Amended Area is feasible and conforms to the general plan for the City.

SECTION SIX. The financial aid provided and to be provided for financial assistance pertaining to the Amended Area is necessary to enable the redevelopment activities to be undertaken in accordance with the Amended Plan for the Amended Area, and the proposed financing plan for the Area is feasible.

SECTION SEVEN. The Amended Plan for the Amended Area will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Amended Area by private enterprise, and private developments to be sought pursuant to the requirements of the Statute.

SECTION EIGHT. The Amended Plan for the Amended Area provides that the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") may not acquire any property in the Amended Area by the exercise of eminent domain.

SECTION NINE. The property within the Amended Area is currently partially occupied. All eligible occupants displaced by the Redeveloper ("Redeveloper" being defined in Section Thirteen, below)

SECTION TEN. The Amended Plan for the Amended Area gives due consideration to the provision of adequate public facilities.

SECTION ELEVEN. In order to implement and facilitate the effectuation of the Amended Plan hereby approved it is found and determined that certain official actions must be taken by this Board and accordingly this Board hereby:

- (a) Pledges its cooperation in helping to carry out the Amended Plan;
- (b) Requests the various officials, departments, boards and agencies of the City, which have administrative responsibilities, likewise to cooperate to such end and to execute their respective functions and powers in a manner consistent with the Amended Plan; and
- (c) Stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Amended Plan.

SECTION TWELVE. All parties participating as owners or purchasers of property in the Amended Area for redevelopment ("Redeveloper") shall agree for themselves and their heirs, successors and assigns that they shall not discriminate on the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, or rental of any property or improvements erected or to be in the Amended Area or any part thereof and those covenants shall run with the land, shall remain in effect without limitation of time, shall be made part of every contract for sale, lease, or rental of property to which Redeveloper is a party, and shall be enforceable by the LCRA, the City and the United States of America.

SECTION THIRTEEN. In all contracts with private and public parties for redevelopment of any portion of the Amended Area, all Redevelopers shall agree:

- (a) To use the property in accordance with the provisions of the Amended Plan, and be bound by the conditions and procedures set forth therein and in this Ordinance;
- (b) That in undertaking construction under the agreement with the LCRA and the Amended Plan, bona fide Minority Business Enterprise ("MBE's") and Women Business Enterprise ("WBE's") will be solicited and fairly considered for contracts, subcontracts and purchase orders;
- (c) To be bound by the conditions and procedures regarding the utilization of MBE's and WBE's established by the Community Development Commission of the City;
- (d) To adhere to the requirements of the Executive Order of the Mayor of the City, dated July 24, 1997.

- (e) To comply with the requirements of Ordinance No. 60275 of the City;
- (f) To cooperate with those programs and methods supplied by the City with the purpose of accomplishing, pursuant to this paragraph, minority and women subcontractors and material supplier participation in the construction under this Agreement. The Redeveloper will report semi-annually during the construction period the results of its endeavors under this paragraph, to the Office of the Mayor and the President of this Board; and
- (g) That the language of this Section Fourteen shall be included in its general construction contract and other construction contracts let directly by Redeveloper.

The term MBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by minority group members who have at least fifty-one percent (51%) ownership. The minority group member(s) must have operational and management control and interest in capital and earnings commensurate with their percentage of ownership. The term Minority Group Member(s) shall mean persons legally residing in the United States who are Black, Hispanic, Native American (American Indian, Eskimo, Aleut or Native Hawaiian), Asian Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, U.S. Trust Territory of the Pacific Islands, Laos, Cambodia or Taiwan) or Asian Indian American (persons with origins from India, Pakistan or Bangladesh). The term WBE shall mean a sole proprietorship, partnership, corporation, profit or non-profit organization owned, operated and controlled by a woman or women who have at least fifty-one percent (51%) ownership. The woman or women must have operational and managerial control and interest in capital and earnings commensurate with their percentage of ownership.

The term "Redeveloper" as used in this Section shall include its successors in interest and assigns.

SECTION FOURTEEN. The Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Statutes of Missouri, 1994, as amended, upon application as provided therein based on the assessment on the improvements located on the property as of January 1, 2000. Such real estate tax abatement shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement which shall not include any Special Business District taxes which may be assessed for the property located in a Special Business District for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions this Plan:

If property in the Amended Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Amended Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

SECTION FIFTEEN. Any proposed modification which will substantially change the Amended Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as the Amended Plan was first approved. Modifications which will substantially change the Amended Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Amended Area, or to other items which alter the nature or intent of the Amended Plan.

The Amended Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of the Amended Plan.

SECTION SIXTEEN. The sections of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds the valid sections of the Ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board would have enacted the valid sections without the void ones, or unless the court finds that the valid sections standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

EXHIBIT "A"

THE AMENDED GILMORE AVENUE SCATTERED SITES AREA
LEGAL DESCRIPTION

Parcel No. 1	C. B. 5414 Oriole Avenue, 25 ft. x 131 ft. 1 in., W. Walnut Park Addition, Block 4 Lot 38, 5314 Oriole Avenue, 5414-00-120
Parcel No. 2	C. B. 5414 Oriole Avenue, 50 ft. x 136 ft. 2 in., Walnut Park Addition, Block 4 Lot 39 & 40, 5318 Oriole Avenue, 5414-00-130
Parcel No. 3	C. B. 5414 Oriole Avenue, 21 ft. 4 in. x 136 ft. 2 in., Walnut Park Addition, Block 19, Lot W. Pt. 17, 5330 Oriole Avenue, 5414-00-150
Parcel No. 4	C. B. 5414 Oriole Avenue, 24 ft. 10 in. x 136 ft. 2 in., Walnut Park Addition, Block 19, Lot E-17, 5332 Oriole Avenue, 5414-00-160
Parcel No. 5	C. B. 5414 Gilmore Avenue, 50 f t. x 142 ft. 6 in., Walnut Park Addition, Block 19, Lot 11, 5225 Gilmore Avenue, 5414-00-370
Parcel No. 6	C. B. 5414 Gilmore Avenue, 30 ft. x 142 ft. 4 in., Walnut Park Addition, Lot W-10, 5233 Gilmore Avenue, Lot W-10, 5414-00-360
Parcel No. 7	C. B. 5414 Gilmore Avenue, 27 ft. x 142 ft. 4 in., Walnut Park Addition, Block 19 Lot N-9 S-8, 5241 Gilmore Avenue, 5414-00-340
Parcel No. 8	C. B. 5414 Gilmore Avenue, 33 ft. x 142 ft. 4 in., W. Walnut Park Addition, Block 19 Lot E-8, 5245 Gilmore Avenue, 5414-00-330
Parcel No. 9	C. B. 5414 Gilmore, 50 ft. x 142 ft. 4 in., Walnut Park Addition, Block 19 Lot 3, 5265 Gilmore Avenue, 5414-00-250
Parcel No. 10	C. B. 5414 Thekla, 31 ft. x 70 ft., Walnut Park Addition, Block 19, Lots S-20, & SE-19, 5780 Thekla Avenue, 5414-00-220
Parcel No. 11	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 21, 5220 Gilmore Avenue, 5123-00-060
Parcel No. 12	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 20, 5216 Gilmore Avenue, 5123-00-050
Parcel No. 13	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot W-25, 5242 Gilmore Avenue, 5123-00-110
Parcel No. 14	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 24, 5236 Gilmore Avenue, 5123-00-100
Parcel No. 15	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot E-30, 5268 Gilmore Avenue, 5123-00-180
Parcel No. 16	C. B. 5392 Oriole, 50 ft. x 136 ft. 9 in., West Walnut Park Addition, Block 5 Lot 39, 40, 5130 Oriole Avenue, 5392-00-030
Parcel No. 17	C. B. 5129 Thekla, 52 ft. x 90 ft., Walnut Park Addition, Lots SW 15-16 5801 Thekla Avenue, 5129-00-0390
Parcel No. 18	C. B. 5129 Thekla, 43 ft. x 90 ft., Walnut Park Addition, Lot Pt. 15-16 Boundaries bd. S. 52 ft. N. of Oriole, 5805 Thekla Avenue, 5129-00-400
Parcel No. 19	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18, Lot W-32, 5274 Gilmore, 5123-00-0200
Parcel No. 20	C. B. 5414 Oriole, 50 ft. x 136. 17 ft., Soaring Heights Plat 1, Lot B 5326 Oriole Avenue, 5414-00-0520

EXHIBIT "B"
Form: 12/2/02

Amended
BLIGHTING STUDY AND PLAN
FOR THE
THE GILMORE SCATTERED SITES AREA
PROJECT #4711
LAND CLEARANCE FOR REDEVELOPMENT AUTHORITY
OF THE CITY OF ST. LOUIS
MAY 28, 1996
Amended July 28, 1998
Amended November 19, 2002

MAYOR
FRANCIS G. SLAY

**AMENDED BLIGHTING STUDY AND PLAN FOR
THE GILMORE SCATTERED SITES AREA**

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EXHIBITS

"A"	LEGAL DESCRIPTION
"B"	PROJECT AREA PLAN
"C"	PROPOSED LAND USE
"D"	ACQUISITION MAP
"E"	EQUAL OPPORTUNITY AND NON-DISCRIMINATION GUIDELINES

A. EXISTING CONDITIONS AND FINDINGS OF BLIGHT

1. DELINEATION OF BOUNDARIES

The Gilmore Avenue Scattered Sites Area ("Area") is located between the boundaries of Riverview Boulevard to the west, Harney Avenue to the north, Lillian Avenue to the south and Robin Avenue to the east, in the Walnut Park East Neighborhood. The amended area adds one parcel, 5326 Oriole Street to the original Area.

The legal description of the Area is attached and labeled Exhibit "A". The boundaries of the Area are delineated on Exhibit "B" ("Project Area Plan").

2. GENERAL CONDITION OF THE AREA

The Area comprises twenty separate parcels of City Blocks 5414, 5123, and 5392 and includes the following addresses: 5220, 5225, 5233, 5236, 5241, 5242, 5245, 5265, 5268, 5274 Gilmore Avenue; 5130, 5314, 5318, 5326, 5330 and 5332 Oriole Avenue; 5801-03, 5805-07 and 5780 Thekla Avenue. The Area is in fair to poor condition. The physical conditions within the Area are shown on Exhibit "B" (Project Area Plan). For the purpose of this Plan, "Fair Condition" means (1) property that is generally structurally sound but suffers from inadequate maintenance and upkeep, or (2) vacant unimproved property that is under-utilized, "Poor Condition" means (1) buildings that are structurally unsound and/or substantially deteriorated, requiring major improvements such as new roofs, windows, systems, etc., in order to be used productively, or (2) property without buildings which is poorly maintained, has crumbling pavement, and/or is used for open storage.

Unemployment figures, computed by the Missouri State Employment Service, indicate a 10.0% unemployment rate for the City as of June 2002. It is estimated that this rate is prevalent for residents of the neighborhoods surrounding the Area.

There are currently no jobs within the Area.

3. PRESENT LAND USE OF THE AREA

Existing land uses within the Area include three unoccupied, single-family residential buildings (5314 Oriole Avenue and 5330 Oriole Avenue and 5274 Gilmore Avenue); three unoccupied, two-family residential buildings; two unoccupied four-family residential buildings; and eleven vacant lots (5130 and 5318 Oriole Avenue, 5216, 5220, 5225, 5233, 5236, 5242, 5265, 5266, 5268 Gilmore Avenue; one occupied single-family residential building. (5326 Oriole)

The land use, including the location of public and private uses, streets and other rights-of-way is shown on Exhibit "B".

4. PRESENT LAND USE AND DENSITY OF SURROUNDING PROPERTIES

The properties surrounding the Area are primarily used for residential purposes.

Residential density for the surrounding neighborhoods is approximately 16.74 persons per acre.

5. CURRENT ZONING

The Area is zoned "A" Area Single-Family Dwelling District pursuant to the Zoning Code of the City, which is incorporated in this Plan by reference.

6. FINDING OF BLIGHT

The property within the Area is partially occupied and in poor to fair condition (as defined in Section A(2) above). The existence of deteriorated property constitutes both an economic liability to the City of St. Louis and presents a hazard to the health and well being of its citizens. These conditions, therefore, qualify the Area as blighted within the meaning of Section 99.300 et seq. of the Revised Statutes of Missouri (the Land Clearance for Redevelopment Authority Law).

B. PROPOSED DEVELOPMENT AND REGULATIONS

1. DEVELOPMENT OBJECTIVES

The primary objective of this Plan is to facilitate the development of the Area into productive residential uses.

2. PROPOSED LAND USE OF THE AREA

The proposed land uses for the Area are in residential uses permitted in Areas designated "C" Multi-Family Dwelling and Neighborhood Commercial District by the City of St. Louis Zoning Code. Redevelopers contracting with the Land Clearance for Redevelopment Authority of the City of St. Louis ("LCRA") to develop property in the Area (hereafter referred to as "Redeveloper") shall be permitted to use said property only for the proposed land use.

Exhibit "C" (Proposed Land Use) shows the proposed uses for the Area.

3. PROPOSED ZONING

The zoning for the Area can remain "A" Single-Family Dwelling District. "A" Single-Family Dwelling, and "F" Neighborhood Commercial District. All land coverage and building intensities shall be governed thereby.

4. RELATIONSHIP TO LOCAL OBJECTIVES

The proposed land uses, zoning, public facilities and utility plans are appropriate and consistent with local objectives as defined by the General Plan of the City of St. Louis which includes the "Comprehensive City Plan" (1947), the "St. Louis Development Program" (1973), and the "Economic Development Strategy" (1978). Any specific proposal to the LCRA for development of the Area or any portion of the Area shall contain, among other things, adequate provisions for traffic, vehicular parking, safety from fire, adequate provisions for light and air, sound design and arrangement and improved employment opportunities.

5. PROPOSED EMPLOYMENT FOR THIS AREA

No new jobs will be created in this Area because the proposed development is residential.

6. CIRCULATION

The Proposed Land Use Plan (Exhibit "C") indicates the proposed circulation system for the Area. The layouts, levels and grades of all public rights-of-way may remain unchanged.

Rights-of-way changes will be subject to the review and approval of the City Department of Streets, and all vacations of rights-of-way are subject to approval by ordinance.

7. BUILDING AND SITE REGULATIONS

The Area shall be subject to all applicable federal, state and local laws, ordinances, regulations and codes, including but not limited to, the City Building Code, Zoning District Regulations, and stipulations of the Planning and Urban Design Agency ("PDA") of the City. The population densities, land coverage, and building intensities of redevelopment shall be governed by the Zoning Code. No changes in the building codes or ordinances are required.

Each Redeveloper shall develop the Area in accordance with this Plan and the Redevelopment Agreement, and shall maintain all structures, equipment, paved areas, and landscaped areas controlled by the Redeveloper in good and safe order both inside and outside, structurally and otherwise, including necessary and proper painting. Failure to meet these requirements may result in suspension of tax abatement.

8. URBAN DESIGN

a. Urban Design Objectives

The properties shall be developed so they are attractive residential assets to the surrounding neighborhood.

b. Urban Design Regulations

Rehabilitation shall respect the original exterior in terms of design and materials. Window and door shapes and detailing shall be compatible with the original design.

New construction shall be compatible in design with the surrounding neighborhood, if any, in terms of scale, materials, set back, profile and site layout.

c. Landscaping

The property shall be well landscaped. Perimeter street trees of a minimum caliper of 2-1/2 inches and generally 30-35 feet on center, depending upon tree type, utilities, curb cuts, etc., shall be provided along all public or private streets - preferably in tree lawns along the curb. If necessary, sidewalks shall be notched to accommodate the trees.

Ornamental or shade trees should be provided in the front lawns along with evergreen accent shrubs.

Existing, healthy trees shall be retained, if feasible.

9. PARKING REGULATIONS

Parking shall be provided in accordance with the applicable zoning and building code requirements of the City, including PDA standards. This will provide adequate vehicular parking for the Area.

Where feasible, parking shall be limited to the rear of the property off the alley, and at least one space shall be provided for each residential unit. In addition, surface parking shall not extend beyond the established building line. Surface parking along public streets shall be buffered by a continuous evergreen hedge at least two and one-half (2-1/2) feet high on planting and maintained at three and one-half (3-1/2) feet high at maturity.

10. SIGN REGULATIONS

All new signs shall be limited as set out in the City Code, PDA stipulations, this Plan and contracts between the LCRA and the Redeveloper. All new signs shall be restricted to standard sale/lease signs.

11. BUILDING, CONDITIONAL USE AND SIGN PERMITS

No building, conditional use, or sign permits shall be issued by the City without the prior written approval of the LCRA.

12. PUBLIC IMPROVEMENTS

No additional schools, parks, recreational and community facilities or other public facilities will be required. Additional water, sewage or other public utilities may be required depending on development. The cost of such utility improvements will be borne by the Redeveloper.

If funds are available to the LCRA, it may provide public improvements including, but not limited to, measures for the control of traffic, improvements to street lighting, street trees, and any other improvements which may further the objectives of this Plan.

When developed in accordance with this Plan, the Area will comprise a coordinated, adjusted and harmonious development that promotes the health, safety, morals, order, convenience, prosperity, the general welfare, efficiency and economy of the City.

C. PROPOSED SCHEDULE OF DEVELOPMENT

The implementation of this Plan shall take place in a single phase initiated within approximately one (1) year of approval of this Plan by ordinance and completed within approximately two (2) years of approval of this Plan by ordinance.

The LCRA may alter the above schedule as economic conditions warrant.

D. EXECUTION OF PROJECT**1. ADMINISTRATION AND FINANCING**

The LCRA is empowered by Missouri law to administer development of all types pursuant to this Plan and can do so to the extent and in the manner prescribed by the Land Clearance for Redevelopment Authority Law of Missouri.

All costs associated with the development of the Area will be borne by the Redeveloper.

Implementation of this Plan may be financed by funds obtained from private and/or public sources, including, without limitation, revenue bonds, bank loans, and equity funds provided by the Redeveloper.

2. PROPERTY ACQUISITION

The Property Acquisition Map, Exhibit "D" attached, identifies all the property located in the Area. The LCRA may not acquire any property in the Area by the exercise of eminent domain.

3. PROPERTY DISPOSITION

If the LCRA acquires property in the Area, it may sell or lease the property to a Redeveloper who shall agree to develop such property in accordance with this Plan and the contract between such Redeveloper and the LCRA. Any property acquired by the LCRA and sold to a Redeveloper will be sold at not less than its fair value, taking into account and giving consideration to those factors enumerated in Section 99.450, R.S.Mo. (1994) as amended, for uses in accordance with this Plan.

4. RELOCATION ASSISTANCE

The property within the Area is partially occupied. All eligible occupants displaced as a result of the implementation of the Plan shall be given relocation assistance in accordance with all applicable federal, state and local laws, ordinances, regulations and policies.

E. COOPERATION OF THE CITY

The City and its Board of Aldermen, by enacting an ordinance approving this Plan, pledges its cooperation to enable the project to be carried out in a timely manner and in accordance with this Plan.

F. TAX ABATEMENT

A Redeveloper may seek ten (10) year real estate tax abatement pursuant to Sections 99.700 - 99.715, Revised Status of Missouri 1994, as amended, upon application as provided therein based on the assessment on the improvements located on the property as of January 1, 2000. Such real estate tax abatement shall not include any Special Business District, Neighborhood Improvement District, Commercial Improvement District, or any other similar local taxing district created in accordance with Missouri law, whether now existing or later created.

In lieu of the ten (10) year abatement outlined above, a Redeveloper which is an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes shall hereby be entitled to real property ad valorem tax abatement for a total period of up to ten (10) years from the commencement of such tax abatement, in accordance with the following provisions of this Plan:

If property in the Area is sold by the LCRA to an urban redevelopment corporation formed pursuant to Chapter 353 of the Missouri Statutes, or if any such corporation shall own property within the Area, then for the first ten (10) years after the date the redevelopment corporation shall acquire title to such property, taxes on such property shall be based upon the assessment of land, exclusive of any improvements thereon, during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. In addition to such taxes, any such corporation shall for the same ten (10) year period make a payment in lieu of taxes to the Collector of Revenue of the City of St. Louis in an amount based upon the assessment on the improvements located on the property during the calendar year preceding the calendar year during which such corporation shall have acquired title to such property. If property shall be tax-exempt because it is owned by the LCRA and leased to any such corporation, then such corporation for the first ten (10) years of such lease shall make payments in lieu of taxes to the Collector of Revenue of the City in an amount based upon the assessment on the property, including land and improvements, during the calendar year preceding the calendar year during which such corporation shall lease such property.

All payments in lieu of taxes shall be a lien upon the property and, when paid to the Collector of Revenue of the City shall be distributed as all other property taxes. These partial tax relief and payment in lieu of taxes provisions, during up to said ten (10) year period, shall inure to the benefit of all successors in interest in the property of the redevelopment corporation, so long as such successors shall continue to use such property as provided in this Plan and in any contract with the LCRA. In no event shall such benefits extend beyond ten (10) years after the redevelopment corporation shall have acquired title to the property.

G. COMPLIANCE WITH AFFIRMATIVE ACTION AND NONDISCRIMINATION LAWS AND REGULATIONS

1. LAND USE

The Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the lease, sale or occupancy of the Area.

2. CONSTRUCTION AND OPERATIONS

A Redeveloper shall not discriminate on the basis of race, color, creed, national origin, marital status, sex, age, sexual orientation or physical handicap in the construction and operation of any project in the Area and shall take such affirmative action as may be appropriate to afford opportunities to everyone in all activities of the project, including enforcement, contracting, operating and purchasing.

3. LAWS AND REGULATIONS

A Redeveloper shall comply with all applicable federal, state and local laws, ordinances, executive orders and regulations regarding nondiscrimination and affirmative action, including the "Equal Opportunity and Nondiscrimination Guidelines" in Exhibit "E", attached.

4. ENFORCEMENT

All of the provisions of this Section G shall be incorporated in a Contract between the LCRA and a Redeveloper, which agreement shall be recorded in the office of the Recorder of Deeds. The provisions of G (1) and G (3) shall be covenants running with the land, without limitation as to time, and the provisions of G (2) shall be for the duration of this Plan and any extension thereof.

All of the provisions of Section G shall be enforceable against the Redeveloper, its heirs, successors or assigns, by the LCRA, the City, any state having jurisdiction or the United States of America.

H. MODIFICATIONS OF THIS PLAN

Any proposed modification, which will substantially change this Plan, shall be approved by the St. Louis Board of Aldermen in the same manner as this Plan was first approved. Modifications which will substantially change this Plan include, but are not necessarily limited to, modifications on the use of eminent domain, to the length of tax abatement, to the boundaries of the Area, or other items which alter the nature or intent of this Plan.

This Plan may be otherwise modified (e.g. urban design regulations, development schedule) by the LCRA, provided that such revisions shall be effective only upon the consent of the Planning Commission of the City. Changes which are not substantial are those that do not go to the crux of this Plan.

I. DURATION OF REGULATION AND CONTROLS

The regulation and controls set forth in this Plan shall be in full force and effect for twenty-five years commencing with the effective date of approval of this Plan by ordinance, and for additional ten (10) year periods unless before the commencement of any such ten (10) year period the Board of Aldermen shall terminate this Plan as of the end of the term then in effect, except as provided in Section G (4) of this Plan.

J. EXHIBITS

All attached exhibits are hereby incorporated by reference into this Plan and made a part hereof.

K. SEVERABILITY

The elements of this Plan satisfy all requirements of state and local laws. Should any provisions of this Plan be held invalid by a final determination of a court of law, the remainder of the provisions hereof shall not be affected thereby, and shall remain in full force and effect.

EXHIBIT "A"

**THE AMENDED GILMORE AVENUE SCATTERED SITES AREA
LEGAL DESCRIPTION**

Parcel No. 1	C. B. 5414 Oriole Avenue, 25 ft. x 131 ft. 1 in., W. Walnut Park Addition, Block 4 Lot 38, 5314 Oriole Avenue, 5414-00-120
Parcel No. 2	C. B. 5414 Oriole Avenue, 50 ft. x 136 ft. 2 in., Walnut Park Addition, Block 4 Lot 39 & 40, 5318 Oriole Avenue, 5414-00-130
Parcel No. 3	C. B. 5414 Oriole Avenue, 21 ft. 4 in. x 136 ft. 2 in., Walnut Park Addition, Block 19, Lot W. Pt. 17, 5330 Oriole Avenue, 5414-00-150
Parcel No. 4	C. B. 5414 Oriole Avenue, 24 ft. 10 in. x 136 ft. 2 in., Walnut Park Addition, Block 19, Lot E-17, 5332 Oriole Avenue, 5414-00-160

Parcel No. 5	C. B. 5414 Gilmore Avenue, 50 f t. x 142 ft. 6 in., Walnut Park Addition, Block 19, Lot 11, 5225 Gilmore Avenue, 5414-00-370
Parcel No. 6	C. B. 5414 Gilmore Avenue, 30 ft. x 142 ft. 4 in., Walnut Park Addition, Lot W-10, 5233 Gilmore Avenue, Lot W-10, 5414-00-360
Parcel No. 7	C. B. 5414 Gilmore Avenue, 27 ft. x 142 ft. 4 in., Walnut Park Addition, Block 19 Lot N-9 S-8, 5241 Gilmore Avenue, 5414-00-340
Parcel No. 8	C. B. 5414 Gilmore Avenue, 33 ft. x 142 ft. 4 in., W. Walnut Park Addition, Block 19 Lot E-8, 5245 Gilmore Avenue, 5414-00-330
Parcel No. 9	C. B. 5414 Gilmore, 50 ft. x 142 ft. 4 in., Walnut Park Addition, Block 19 Lot 3, 5265 Gilmore Avenue, 5414-00-250
Parcel No. 10	C. B. 5414 Thekla, 31 ft. x 70 ft., Walnut Park Addition, Block 19, Lots S-20, & SE-19, 5780 Thekla Avenue, 5414-00-220
Parcel No. 11	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 21, 5220 Gilmore Avenue, 5123-00-060
Parcel No. 12	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 20, 5216 Gilmore Avenue, 5123-00-050
Parcel No. 13	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot W-25, 5242 Gilmore Avenue, 5123-00-110
Parcel No. 14	C. B. 5123 Gilmore, 50 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot 24, 5236 Gilmore Avenue, 5123-00-100
Parcel No. 15	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18 Lot E-30, 5268 Gilmore Avenue, 5123-00-180
Parcel No. 16	C. B. 5392 Oriole, 50 ft. x 136 ft. 9 in., West Walnut Park Addition, Block 5 Lot 39, 40, 5130 Oriole Avenue, 5392-00-030
Parcel No. 17	C. B. 5129 Thekla, 52 ft. x 90 ft., Walnut Park Addition, Lots SW 15-16 5801 Thekla Avenue, 5129-00-0390
Parcel No. 18	C. B. 5129 Thekla, 43 ft. x 90 ft., Walnut Park Addition, Lot Pt. 15-16 Boundaries bd. S. 52 ft. N. of Oriole, 5805 Thekla Avenue, 5129-00-400
Parcel No. 19	C. B. 5123 Gilmore, 25 ft. x 138 ft. 6 in., Walnut Park Addition, Block 18, Lot W-32, 5274 Gilmore, 5123-00-0200
Parcel No. 20	C. B. 5414 Oriole, 50 ft. x 136. 17 ft., Soaring Heights Plat 1, Lot B 5326 Oriole Avenue, 5414-00-0520

See attached Exhibits B, C & D

EXHIBIT "E"
FORM: 05/26/99

EQUAL OPPORTUNITY AND NONDISCRIMINATION GUIDELINES

In any contract for work in connection with the redevelopment of any property in the Area, the Redeveloper (which term shall include Redeveloper, any designees, successors and assigns thereof, any entity formed to implement the project of which the Redeveloper is affiliated), its contractors and subcontractors shall comply with all federal, state and local laws, ordinances, or regulations governing equal opportunity and nondiscrimination (Laws). Moreover, the Redevelopment shall contractually require its contractors and subcontractors to comply with such laws.

The Redeveloper and its contractor will not contract or subcontract with any party known to have been found in violation of any such laws, ordinances, regulations or these guidelines.

The Redevelopment shall fully comply with Executive Order #28 dated July 24, 1997 relating to minority and women-owned business participation in City contracts.

The Redeveloper agrees for itself and its successors and assigns, that there shall be covenants to ensure that there shall be no discrimination on the part of the Redeveloper, its successors or assigns upon the basis of race, color, creed, national origin, sex, marital status, age, sexual orientation or physical handicap in the sale, lease, rental, use or occupancy of any property, or any

improvements erected or to be erected in the Area or any part thereof, and those covenants shall run with the land and shall be enforceable by the LCRA, the City, and the United States of America, as their interests may appear in the project.

The Redeveloper shall fully comply (and ensure compliance by "anchor tenants") with the provisions of St. Louis City Ordinance #60275 which is codified at Chapter 3.90 of the Revised Ordinances of the City of St. Louis.

Approved: February 22, 2003

ORDINANCE NO. 65823 - EXHIBITS B, C & D

